

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION

UNITED STATES OF AMERICA ) No. EP-12-CR-2106-DB  
vs. ) El Paso, Texas  
MARCO ANTONIO DELGADO ) October 21, 2013

VOLUME 1 OF 6 VOLUMES  
JURY TRIAL  
BEFORE THE HONORABLE DAVID BRIONES  
UNITED STATES DISTRICT JUDGE, and a jury.

A p p e a r a n c e s:

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Proceedings recorded by mechanical stenography,  
transcript produced by computer.

1 (Open court; outside the presence of the venire  
2 panel.)

3 THE COURT: The clerk will call the case.

4 THE CLERK: EP-12-CR-2106, Marco Antonio Delgado.

5 MS. KANOF: Good morning, Your Honor. Debra Kanof and  
6 Anna Arreola for the United States, and we are ready for trial.

7 MR. VELARDE: Your Honor, good morning. Ray Velarde  
8 and Richard Esper. Ready to proceed.

9 THE COURT: Mr. Delgado may have a seat. He doesn't  
10 have to stand up.

11 Counsel, the first thing I want to take up is the  
12 Government's exhibits. I want to know which ones are being  
13 objected to. I'm prepared to admit them right now if there are  
14 no objections.

15 Ms. Kanof, do you want to address any of these?

16 MS. KANOF: Which objections, Your Honor?

17 THE COURT: I'm sorry?

18 MS. KANOF: I don't know what they're objecting to.

19 THE COURT: Well, it --

20 MS. KANOF: I'm sure I will want to address them.

21 MR. VELARDE: Your Honor, with respect to Exhibit  
22 Numbers 81 and 82, there's still a question about that. And  
23 we're going to -- we've been trying to subpoena CPA Chris  
24 Parker, who undertook to file Mr. Delgado's tax returns. And  
25 Mr. Delgado assures me that those tax returns were, indeed,

1 filed. So consequently, those two exhibits would be an issue.

2 MS. KANOF: I was going to show them to the Court,  
3 Your Honor, in response -- that they are self-serving  
4 affidavits with the gold seals on them.

5 What numbers are they, please?

6 THE COURT: 81 and 82.

7 MS. KANOF: I'm tendering to the Court.

8 THE COURT: I have them here. You don't have to take  
9 them out.

10 MS. KANOF: Okay. But I wanted you to see the  
11 original, which has the gold seal on it.

12 THE COURT: Okay. 81 is for what year?

13 MS. KANOF: 81 is for years 2007, 2008, and 2009, that  
14 Delgado & Associates did not tender tax -- timely tender tax --  
15 or that they -- when they did the search for the records. And  
16 the date of the search -- I don't know that it is on here.

17 THE COURT: May 14th, 2013?

18 MS. KANOF: Yes. That they did not have those three  
19 returns.

20 MR. VELARDE: And the date was, Deb?

21 MS. KANOF: May --

22 THE COURT: May 14th, 2013, way at the bottom right  
23 side.

24 MS. KANOF: Correct. May 14th, 2013.

25 And then the Government's Exhibit Number 82 is a copy

1 of his 2008 -- I think it's his personal -- no, it's not.

2 Well, he puts Remcon as his home address, but that's  
3 not his home address; that's his business address.

4 And I think this is a 1040, so it's his individual  
5 income tax return for 2008. And it's a certified copy, and the  
6 original is stamped in red ink that they've located this on  
7 May 13th of this year as well.

8 And the purpose of us tendering this is his low  
9 income, basically.

10 THE COURT: How do you coincide the lack of records  
11 with the tax returns being here?

12 MS. KANOF: The lack of records is for Delgado &  
13 Associates, for his law firm.

14 THE COURT: I see.

15 MS. KANOF: And this is his personal tax return that  
16 they did provide to us, although it lists not his home address,  
17 but it lists his business address on Remcon.

18 THE COURT: Okay. What's the objection, Mr. Velarde?

19 MR. VELARDE: The objection is, Your Honor, my client  
20 assures us that his CPA, Chris Parker, did, in fact, file tax  
21 returns. And I have one dated 10/11/12 for the year 2011. So  
22 I cannot...

23 THE COURT: 20- -- for the year what?

24 MR. VELARDE: For 2011.

25 THE COURT: Yeah, but this only covers -- the lack of

1 records only cover '07, '08, and '09.

2 MR. VELARDE: '07. I have a tax return dated 8/1/12,  
3 signed by Chris Parker and Marco Delgado. That's his personal  
4 tax -- tax return --

5 THE COURT: Mr. Velarde, the lack of records is for --

6 MR. VELARDE: -- for Delgado & Associates.

7 THE COURT: -- Delgado & Associates, PC.

8 MR. VELARDE: Well, Your Honor, out of an abundance of  
9 caution, we would ask the Court to defer any ruling on that  
10 until such time as we have verified with Mr. Parker whether, in  
11 fact, he filed --

12 THE COURT: It's not going to come up now.

13 MS. KANOF: Pardon?

14 THE COURT: It's not going to come up now.

15 MR. VELARDE: Well, but I thought the Court wanted  
16 to -- the Court had already indicated I'm going to admit them  
17 now.

18 THE COURT: Well, I'll hold off on that one --

19 MR. VELARDE: Yes, sir.

20 THE COURT: -- on 81 and 82.

21 The fact that he's claiming that he didn't file -- or  
22 he filed, and the fact that they have a record that he didn't,  
23 that --

24 MR. VELARDE: But that record --

25 THE COURT: -- doesn't keep it from being admissible,

1 Mr. Velarde.

2 MR. VELARDE: That record is dated May 13th -- May  
3 2013.

4 THE COURT: May 14th, 2013.

5 MR. VELARDE: Yes, sir. So if -- if anything has  
6 happened subsequent to that, that would explain the discrepancy  
7 in what he's telling me and what that record indicates, which  
8 obviously relates to what was on file as of May 2013.

9 THE COURT: Do you understand we're talking about  
10 Delgado & Associates, PC?

11 MR. VELARDE: I just want to -- I just want to verify  
12 with his --

13 THE COURT: Okay.

14 MR. VELARDE: Thank you.

15 MR. ESPER: Your Honor, and we do have an objection to  
16 the Government's proposed Exhibit 84. And that is a --

17 THE COURT: Let me start from the beginning.

18 MR. ESPER: Okay.

19 THE COURT: On the first page, any objections?

20 MR. VELARDE: No, sir.

21 THE COURT: That's e-mail 1 through 7B.

22 MR. VELARDE: Yes, sir.

23 THE COURT: No objections.

24 MR. VELARDE: They've made those e-mails available to  
25 Mr. Delgado, and there's no --

1 THE COURT: Okay. There's no objections?

2 MR. VELARDE: No objection.

3 THE COURT: Okay. The Court will admit Government's  
4 Exhibits 1 through 7B. That's 1, 2, 3, 4, 5, 6, 7A, and 7B.

5 Page Number 2, beginning with 8A. Again, we're  
6 talking about e-mails. The whole page is e-mails.

7 MR. VELARDE: Judge, no objection.

8 THE COURT: Okay. The Court will admit Government's  
9 Exhibits 8A, 8B, 9, 10, 11, 12, 13, 14, 14A, 15, 16 and 17.

10 Page Number 3, again, e-mails, 18 through 28.

11 MR. VELARDE: No objection, Your Honor.

12 THE COURT: The Court will admit Government's Exhibits  
13 18, 19, 20, 21, 22, 23, 24, 25, 26, 26A, 27, and 28.

14 Page Number 4, beginning with Exhibit 29.

15 MR. VELARDE: No objection, Your Honor.

16 THE COURT: Some of these we've already gone over.  
17 There's some videos in here, too. No objections to those  
18 either?

19 MR. VELARDE: No, Your Honor.

20 THE COURT: The Court will admit Government's Exhibits  
21 29, 30, 31, 32, 33, 34, 35, 36, 37, 37A, 38, 38A, 39, 40, and  
22 41.

23 Page Number 5, beginning with Exhibit 42, photo.

24 MR. ESPER: No objection, Your Honor, to any of those  
25 exhibits, 42 through 55, inclusive.

1 THE COURT: The Court will admit Government's Exhibits  
2 42, 43, 44, 45, 46, 47, 48, 49, 50, 50A, 51, 51A, 52, 52A, 53,  
3 53A, 54, 54A, and 55.

4 Page Number 6, beginning with Exhibit 55A.

5 MR. ESPER: No objection to Government's Exhibits 55A  
6 through 67A, inclusive.

7 THE COURT: The Court will admit, Government's  
8 Exhibits 55A, 56, 57, 58, 58A, 59, 60, 61, 61A, 62, 62A, 63,  
9 63A, 64, 64A, 65, 65A, 66, 66A, 67, 67A.

10 Page Number 7. I am not admitting 81, the very --  
11 very bottom at this time.

12 MR. ESPER: What about 80?

13 THE COURT: Do you want me to hold off? I'll do it.

14 MR. VELARDE: Yes, sir, 80 and 81 and 82.

15 MR. ESPER: And 82.

16 THE COURT: Okay. 80, 81, 82 are not being admitted  
17 at this time.

18 What about the rest of them, Counsel?

19 MR. ESPER: No objection to 83.

20 THE COURT: Well, back up to the rest of -- the rest  
21 of the exhibits on page 7.

22 MR. ESPER: I apologize, Your Honor.

23 No objection through -- 67A through 79 inclusive.

24 THE COURT: The Court will admit, Government's  
25 Exhibits 68, 68A, 69, 69A, 70, 70A, 71, 71A, 72, 72A, 73, 74,



1 75, 76, 77, 78, and 79.

2 The last page.

3 MR. ESPER: No objection to 83.

4 We do object to 84. This is a -- Your Honor, a report  
5 by an agent concerning his interview with the Defendant  
6 Delgado. The report clearly is not dismissal. The agent can  
7 testify to what the interview involved. But to submit the  
8 entire report where the Defendant has not signed off on it,  
9 it's -- I think it's totally irrelevant and inadmissible.

10 MS. KANOF: Your Honor, we're well aware, and it's not  
11 a report. It's a piece of a report. We redacted all of the  
12 report except for specific admissions the Defendant made to  
13 Agent Joshua Fry. And Joshua Fry, at the time, read them back  
14 to the Defendant and he acknowledged that they were true.

15 THE COURT: I'll have to look at it.

16 MS. KANOF: Okay.

17 MR. ESPER: Your Honor, in that vein, the agent is  
18 going to testify.

19 THE COURT: I'll take it up at that time.

20 MR. ESPER: All right.

21 THE COURT: I'm not going to admit it at this time.  
22 That is 84?

23 MR. ESPER: Yes. And no objection to 85, Your Honor.

24 THE COURT: 83 and 85. Government's Exhibit 83 and 85  
25 will be admitted.

1 Now, what do I need to take up now?

2 MR. VELARDE: Your Honor, with respect to the other  
3 matter regarding the exhibit that we were proposing to offer,  
4 the Government requested that we allow them to look at the  
5 computer. That effort was, in fact, undertaken.

6 There's still -- there's still lingering questions  
7 about that. So we still have the computer, and hopefully  
8 during the course of the week we'll be working on that to see  
9 to what the extent that the Government is still going to hold  
10 on to their objection.

11 However, I will offer at this juncture to say that  
12 it's not a matter of admissibility, it basically goes to the  
13 weight. And the only people that can testify to that document  
14 are either the person receiving the e-mail or the person that  
15 sent the e-mail.

16 And so I understand that the agent is going to deny  
17 that that's his e-mail address. So, obviously, we're not going  
18 to offer it through him.

19 If and when Mr. Delgado testifies, of course, we could  
20 offer it through him, and he would be the author of that  
21 exhibit.

22 MS. KANOF: I totally object, Your Honor. Mr. Velarde  
23 and Mr. Esper were present. They brought the laptop. We  
24 called in two computer analysts from ICE to our office on  
25 Saturday, and he made a conclusion that that e-mail did not

1 originate from the computer that it was on. That the e-mail  
2 originated from, like, a web cafe. In other words, somebody  
3 was at a remote place and got into their e-mail account. That  
4 the first place the e-mail -- the allegation is that -- what  
5 Mr. Delgado's trying -- or wants to tell the jury is that he  
6 was helping ICE at the time.

7 And aside from the other evidence that shows that's  
8 not true, I think that's what he wants to use this e-mail for.  
9 So this e-mail purports to be from an individual named Rafael  
10 Solis. Rafael Solis was the undercover name of an agent in  
11 Atlanta. And at some time they did communicate with each  
12 other, but Rafael Solis -- that is the agent's name is Alex  
13 Ascencio -- he didn't use a Bellsouth address.

14 What the computer analyst found was, first of all, the  
15 e- -- you could not tell anything about the e-mail that  
16 purports to be from the Defendant, because there -- it's  
17 missing its header, it's missing a date. You don't know  
18 anything about it because --

19 THE COURT: Well, don't you think that that would go  
20 to the weight, Ms. Kanof? I'm not inclined to leave it out. I  
21 would be surprised if they put it in with all the evidence that  
22 you have that it was --

23 MS. KANOF: Well, my concern, Judge, is that -- my  
24 concern is more of my license, that I need to object to a  
25 document that is clearly fictitious. Because what they

1 found --

2 THE COURT: But if everything you're telling me is  
3 correct, and you have testimony to that --

4 MS. KANOF: I do.

5 THE COURT: -- the jury is going to know that it's  
6 fictitious.

7 MS. KANOF: Okay. Because the CART examiner will  
8 testify that the document did not leave Atlanta. It left a  
9 jurisdiction that had RoadRunner. And -- the first server it  
10 went through, and Atlanta did not have RoadRunner at that time.

11 And it purports to be Bellsouth, which means if it  
12 left Atlanta it would have gone through one of AT&T's servers  
13 like Yahoo! or AT&T.net or something like that.

14 But instead, it left from a RoadRunner server. And  
15 the RoadRunner -- El Paso didn't have RoadRunner. So I'm just  
16 concerned that it's -- you know, that -- that it's being  
17 offered, even though the experts have already communicated  
18 that.

19 THE COURT: Well, it's up to them if they want to  
20 offer it, Ms. Kanof.

21 MS. KANOF: Okay.

22 THE COURT: What's the number of your exhibit?

23 MR. VELARDE: That would be Exhibit 1.

24 THE COURT: I'm sorry?

25 MR. VELARDE: That would be Defense Exhibit Number 1,

1 if it's offered at all.

2 THE COURT: Okay. Any other exhibits that Defense  
3 has?

4 MR. VELARDE: No, sir.

5 THE COURT: Well, no, I'm not --

6 MR. VELARDE: At this juncture we have not finalized  
7 our exhibit list, if any.

8 THE COURT: Okay.

9 MR. ESPER: Defendant's Exhibit 2, Your Honor, will be  
10 the AT&T phone records that were previously provided to  
11 Counsel. But we're only -- we're only introducing a portion of  
12 those records. We subpoenaed records from 2008 to 2013, so  
13 we're only going to introduce a portion of those records.

14 I've discussed that with Ms. Kanof. She's fine with  
15 it. We're only going to introduce a portion of the records  
16 from July of 2008 through December of 2008.

17 MS. KANOF: I have no objection to that, Your Honor.

18 MR. ESPER: And we will make appropriate copies,  
19 Your Honor, as directed by the Court.

20 THE COURT: Okay. Remember I have not admitted it  
21 yet. So --

22 MR. VELARDE: Yes, sir.

23 MR. ESPER: Yes, sir.

24 THE COURT: -- bring it up at that time.

25 MR. ESPER: Your Honor -- and also on Friday there

1 was -- Mr. Velarde, through the Defendant, had raised an  
2 objection about the marital privilege concerning the testimony  
3 of the Government witness Liliana Narvaez.

4 The Government has filed a memorandum regarding who  
5 can claim the privilege. And the case law is clear starting  
6 back from *Trammel* -- with *Trammel*. *Trammel* overrode *Hawkins*,  
7 which used to be the law that the defendant's spouse could  
8 claim the marital privilege if the testifying spouse decided to  
9 testify adversely against him; however, *Trammel* overrode -- or  
10 overruled *Hawkins*, and the Fifth Circuit has followed suit with  
11 cases dealing with -- starting with -- there's a case of  
12 *United States v. Koehler*, *United States v. Ramirez*, *United*  
13 *States v. Archer*, all say that it's up to the testifying spouse  
14 to assert the privilege.

15 THE COURT: If there was a fact -- if they were, in  
16 fact, married. Which from what I see here, I'm going to have  
17 to take testimony. Put it all on the record, Counsel.

18 MR. VELARDE: Yes, sir.

19 THE COURT: And we'll probably do that with the lady  
20 witness.

21 MR. ESPER: And she's represented by Mr. Antcliff,  
22 Your Honor, so I don't know what their position is going to be,  
23 whether they're going to assert a privilege or not.

24 MS. KANOF: Your Honor, I --

25 THE COURT: Let me ask you something. You make

1 reference to at least one federal tax return that he filed.

2 What about the other tax returns?

3 At the bottom of the first page of your memorandum,  
4 for example, Delgado purchased real estate as a single man,  
5 filed at least one federal tax return as an unmarried single  
6 individual and referred to the witness as his fiancée.

7 Now, you have the tax returns. What about the other  
8 tax -- how many tax returns do you have where he filed single?

9 The one that I have not admitted yet, Counsel, Exhibit  
10 Number 82, that you say the CPA prepared it, is that --

11 MR. VELARDE: Yes, sir.

12 THE COURT: Is that filed as a single person?

13 MR. VELARDE: It is.

14 THE COURT: How many more do you have, Ms. Kanof?

15 MS. KANOF: Your Honor, I'm a little confused. I'm  
16 sorry.

17 But Mr. Velarde said that the tax returns have been  
18 filed, but he didn't say what dates the tax return -- what  
19 years the tax returns were for, and that they evidently were  
20 recently filed, but he doesn't say what day, what -- the year  
21 of the tax returns.

22 Because our Certificates of Nonexistence, which are  
23 dated May 14th, 2013, are for his personal returns for 2007 and  
24 2009 and for his business returns for 2007, 2008, and 2009.

25 THE COURT: The personal returns, are they filed as a

1 single person?

2 MS. KANOF: Yes.

3 THE COURT: All of them?

4 MS. KANOF: The actual -- we only have one, because  
5 that's the certificate of -- that's the Certificate of Lack of  
6 Record.

7 But the one that we do have, which is for the year  
8 2008, is filed as a single man, single individual.

9 THE COURT: That's pretty strong evidence, Counsel.

10 MS. KANOF: Your Honor, I have additional evidence  
11 that I would like to tender for the Court to make part of the  
12 record at this status hearing.

13 This morning I filed a little brief, a little  
14 memorandum of law regarding federal marital privilege in --  
15 first of all, Mr. Esper is correct. In fact, he told me where  
16 to look for it -- that *U.S. v. Trammel*, the 1980 United States  
17 Supreme Court case that it is the testifying spouse's  
18 privilege, which she would be the spouse.

19 But we have -- we would like to tender to the Court  
20 evidence that she was not. And it's -- I'm going to name it  
21 all as Government's Exhibit 101, because I wanted to also  
22 inform the Court -- it's not in the exhibit list. But we have  
23 a map that's a demonstrative exhibit that we're going to mark  
24 Exhibit Number 100, and the Court can take judicial notice.  
25 It's a map. It's going to be a map of the United States.



1 And so I've marked this 101, as a package.

2 The first document is an e-mail in Spanish. The  
3 e-mail was provided to us by Victor Pimentel, who was the  
4 friend that got involved with Mr. Delgado. And the actual  
5 e-mail that he's forwarding is between Lilian de la Concha and  
6 Liliana Nevarez [sic]. Lilian Nevarez [sic] is the witness  
7 that Defendant is claiming is his spouse.

8 And the e-mail is dated November 26th of 2008, and  
9 it's in Spanish. And basically, the women are finding out  
10 about each other.

11 And in Spanish, Liliana Nevarez [sic] says in the  
12 e-mail to Lilian de la Concha that they have been dating for  
13 two years and are engaged to be married. So if they're engaged  
14 to be married on November 26th, 2008, out of her own words,  
15 there obviously is no agreement.

16 And in addition to that, everything that happened in  
17 this case when he was dating -- for the two years that he was  
18 dating Liliana Nevarez [sic], they would not have been married.  
19 And that goes to -- the Fifth Circuit carves out a little thing  
20 called confidential marital communication. So even if,  
21 assuming they were married, according to that case law it  
22 wouldn't be admissible, because they're not.

23 So that's the first page of Government's Exhibit 101.

24 The second page of Government's Exhibit 101 is a  
25 Specialty Warranty Deed where the Defendant is deeding his land

1 from -- and this goes to whether or not they're married now --  
2 the Defendant is deeding his business office at 7362 Remcon  
3 Circle to Mr. Velarde as his attorney fees, and he is deeding  
4 it as a single male.

5 THE COURT: What's the date of that?

6 MS. KANOF: I'm sorry?

7 THE COURT: What's the date of that?

8 MS. KANOF: The date on that is December 3 of 2013.

9 The third document is --

10 THE COURT: 2013 or 2012?

11 MR. VELARDE: No, 2012.

12 MS. KANOF: Oh. That's the transfer of the condo?

13 MR. VELARDE: Yes.

14 MS. KANOF: Okay. It's not -- that's just the address  
15 Mr. Delgado was using. The actual property is located in Taos,  
16 New Mexico. It's a condominium that he was deeding to  
17 Mr. Velarde as his fee.

18 And we do have the original documents when Mr. Delgado  
19 purchased it, and he purchased it as a single male.

20 And then the third document in this package is title  
21 insurance. And the title insurance is for \$150,900. And the  
22 date of the policy is March 18th, 2011. And it is, again, for  
23 the Firehouse Road property in Taos, New Mexico, and he's a  
24 single male.

25 So I think that takes us -- and Ms. Nevarez [sic]

1 will -- I think she'll testify that between the two, they also  
2 weren't married. And then, of course, we don't have  
3 transcripts of the jail calls. But we can certainly provide  
4 them where, you know, she's basically saying, You should have  
5 married me and you didn't marry me, and where he's encouraging  
6 her to put on her engagement ring again.

7 So -- but the three substantive documents that we're  
8 tendering for that package is the e-mail of November 26, 2008,  
9 which shows that at the time of the charged offenses she did  
10 not consider herself married and then, thus, had not made an  
11 agreement, which is required by Texas law. And that when he  
12 acquired the Taos property he was a single male, and when he  
13 deeded the Taos property he was a single male.

14 And then the Judge can take notice of the Government's  
15 Exhibit Number 82, his 2008 tax returns, which he's filing as a  
16 single individual.

17 May I approach the Court, Your Honor?

18 THE COURT: You may.

19 I'm still going to have to take testimony, Counsel.

20 MS. KANOF: Yes, Your Honor.

21 THE COURT: Whenever -- before she testifies, I'll  
22 take her testimony and put it all on the record.

23 MS. KANOF: But, Your Honor, the law is that she  
24 chooses, that it's not his privilege. Assuming for a minute  
25 that they were married, the federal law, since 1980, is it is

1 the testifying spouse's privilege.

2 THE COURT: Well, I can take that up also. Okay?

3 From what I see, there's no reason for me to even  
4 consider it. From what I see, they were not married, Counsel.

5 MR. VELARDE: Well, just as another tidbit,  
6 Your Honor. My client has advised me that Ms. Narvaez has put  
7 him under her health insurance and has classified him as a  
8 domestic partner, per his request.

9 THE COURT: Do you have any law on domestic partner  
10 not privileged?

11 MR. VELARDE: I don't, Your Honor.

12 THE COURT: I don't think you're going to find any.  
13 That's not -- it doesn't mean they're married.

14 What else do we need to take up, Counsel?

15 MR. VELARDE: That's it, Your Honor.

16 THE COURT: Ms. Kanof, for the Government?

17 MS. KANOF: Nothing further from the Government,  
18 Your Honor.

19 THE COURT: Okay. Ruben, how many jurors do we have?  
20 60?

21 THE CLERK: 60, Judge.

22 THE COURT: Can we fit them all on that side or are we  
23 going to have to use this side also?

24 THE CLERK: I think we're going to have to use this  
25 side, Judge.

1 THE COURT: You know, if we have to use this side --  
2 if spectators can -- I'll try to accommodate them. Let's see  
3 how much room we're going to need for the jurors. Okay?

4 MR. VELARDE: Yes, sir.

5 THE COURT: But we'll try to accommodate any  
6 spectator, be it family or the press.

7 Anything else we need to take up?

8 MR. ESPER: No, Your Honor.

9 MS. KANOF: Nothing from the Government.

10 THE COURT: Okay. We'll be in recess waiting for the  
11 panel to come in.

12 (Recess taken; open court.)

13 THE COURT: The clerk will call the case.

14 THE CLERK: EP-12-CR-2106, Marco Antonio Delgado.

15 THE COURT: Announcements?

16 MS. KANOF: Good morning, Your Honor. Debra Kanof and  
17 Anna Arreola for the United States. We're ready for trial.

18 MR. VELARDE: Your Honor, good morning. Ray Velarde  
19 and Richard Esper on behalf of Mr. Marco Antonio Delgado.  
20 We're ready.

21 THE COURT: Thank you, gentlemen. Thank you,  
22 Counselors.

23 Good morning, ladies and gentlemen. I am David  
24 Briones, United States District Judge, sitting in El Paso.

25 And we are here this morning to select a jury for a

1 criminal case. Now, I have tried to ask the attorneys to tell  
2 me, you know, as much as they can, how long they're going to  
3 take to try the case. And I -- the answers that I've gotten is  
4 that we'll finish this week. However, it doesn't always --  
5 doesn't always happen how you plan it it comes about. So  
6 there's a very slim possibility that those of you that are  
7 chosen to hear this case could be heard next week. Very slim.  
8 But I need to tell you because I don't want -- you know, I  
9 don't want to catch you by surprise. They've assured me that  
10 we can finish this week and we will do everything possible,  
11 even if we have to stay a little later than usual. So I do  
12 anticipate that we will be finished this week.

13 I'm going to give you some principles that govern the  
14 conduct of this trial and, really, all criminal trials.

15 The burden of proof is on the Government and never  
16 shifts to the Defendant. The Government must prove the  
17 defendant's guilt beyond a reasonable doubt. And if it fails  
18 to do so and does not meet its burden, then the jury must  
19 return a verdict of not guilty.

20 There is a presumption that the Defendant is innocent,  
21 and that presumption persists until he or she has been proven  
22 guilty, if at all.

23 The jury is the sole judge of the credibility of the  
24 witnesses and the weight to be given to the witness's  
25 testimony.

1 I, as the Judge, will rule on matters of law and  
2 evidence. In other words, I will make a determination of what  
3 is proper evidence for you to consider.

4 The evidence which you will consider will be the  
5 testimony of witnesses and any documents or other exhibits that  
6 may be admitted during the course of the trial.

7 Now, we're going to undergo a voir dire examination  
8 this morning, ladies and gentlemen. Those of you that have  
9 been jurors in state court will see that it's quite different  
10 in federal court. I will do most of the questioning, not the  
11 attorneys.

12 But it is my policy to give the attorneys an  
13 opportunity to ask additional questions that I may not have  
14 asked, that they feel that you -- that you should be questioned  
15 about. So the attorneys will be given an opportunity, but I  
16 will do most of it.

17 Now, the purpose of the voir dire examination is two  
18 really important purposes. The first one is for me to  
19 determine whether or not any prospective juror should be  
20 excused. In other words, for some reason or other -- there may  
21 be a variety of reasons -- why some of you may not be a proper  
22 juror in this case.

23 You may have a personal interest in it. You may know  
24 some of the people involved, or for whatever reason. I will  
25 make a determination whether you're a proper juror for this

1 type of case.

2 And there's a second important reason, and that's for  
3 the attorneys to be able to exercise their peremptory  
4 challenges. We call them strikes. Each side is given a  
5 certain number of challenges that they can -- that they can  
6 exercise. And they determine that from what they know about  
7 you, from what they read as far as -- as your name, occupation,  
8 or whatever list they have, and determine that from the way you  
9 answer questions and how you answer them.

10 So you have taken an oath to respond truthfully. We  
11 expect you to truthfully answer all questions that the Court or  
12 the attorneys may pose to you.

13 Now as I've indicated, ladies and gentlemen, we will  
14 do everything possible to finish this week, and I think we can.

15 But having informed you of the scheduling of this  
16 trial, any of you have -- any of you couldn't be here for the  
17 extent of this trial? Does that pose a problem to any of you?

18 And I'm going to address you, and so will the  
19 attorneys. We've got four rows, right?

20 THE CLERK: Four rows.

21 THE COURT: Okay. I'll go -- row number one,  
22 beginning on my left and come across. Row number two, row  
23 number three, and row number four. So when I get to your row,  
24 if you have a response to any of my questions or the attorneys'  
25 questions, be sure to let us know.



1 Does the scheduling of this trial pose a substantial  
2 problem to any of you as far as the schedule that I've given  
3 you?

4 Anyone on the first row, beginning on my left going  
5 right. Anyone --

6 Yes, sir. You are --

7 THE JUROR: Cesar Villalobos. I own and run a small  
8 business, so it will highly affect my business. I work mostly  
9 hours alone there, so it's going to be really hard for me.

10 THE COURT: Ordinarily that's not a valid reason to  
11 excuse you, Mr. Villalobos, and I'm not going to do it at this  
12 time. If we finish with the examination and I can see we're  
13 going to have a substantial number of jurors to pick, I will  
14 reconsider. But as of now, I'm not excusing you.

15 THE JUROR: Thank you.

16 THE COURT: Anyone else have a problem on the first  
17 row? Again on my left to my right.

18 Yes?

19 THE JUROR: My name is Miguel Tavares. My problem is  
20 that I'm the only one --

21 THE COURT: What's your number? Give me your name and  
22 number.

23 THE JUROR: Miguel Tavares, Number 12.

24 THE COURT: Okay. Yes, sir?

25 THE JUROR: My problem is that right now I'm the only

1 one working in my family. And I asked my employer, and they  
2 don't pay any jury duty service at any time.

3 THE COURT: They don't take any what?

4 THE JUROR: They don't pay any jury service.

5 THE COURT: Any excuse?

6 THE COURT REPORTER: They don't pay any jury service.

7 THE COURT: Oh, I see.

8 Okay. I'm going to take that into consideration.

9 Mr. Tavares?

10 THE JUROR: Yes, sir.

11 THE COURT: Okay. Thank you.

12 Anyone else have a problem on the first row? Anyone  
13 have a problem with the scheduling on the second row, going all  
14 the way across?

15 THE JUROR: David Chan, Juror Number 17.

16 THE COURT: Yes, sir.

17 THE JUROR: I am the operator of a small business, the  
18 only one that handles the business, a sole owner and sole  
19 operator, so I would ask excused.

20 And third of all, I have a hearing impair. I don't  
21 hear too good. That's all I have.

22 THE COURT: You're Mr. Chan?

23 THE JUROR: Yes, sir.

24 THE COURT: Well, I'm going to go ahead and excuse  
25 you, Mr. Chan.

1 THE JUROR: Thank you.

2 THE COURT: You may be excused, sir. You're free to  
3 leave.

4 Anyone else on the second row, again going down  
5 across? Anyone on the third row?

6 THE JUROR: My name is Carlos Reynozo. My number is  
7 11.

8 Today I was supposed to have a procedure done in the  
9 hospital, but I had to cancel. If I can be excused I can go  
10 back and they can reschedule my procedure. I really appreciate  
11 it if -- it has to be done this month. That's why.

12 THE COURT: Let me -- you were all given an  
13 opportunity to ask for excuses earlier. I could have made a  
14 determination of how many jurors we were going to bring in  
15 based on that.

16 THE JUROR: But I canceled this morning, so I --

17 THE COURT: Well, more than likely I'm not going to  
18 excuse you. I'll take it under consideration, Mr. Reynozo.

19 THE JUROR: Thank you.

20 THE COURT: Anyone else on -- anyone on the third row,  
21 beginning on my left coming across? Anyone on the fourth row?

22 THE JUROR: My name is Kimberly Fierro. My juror  
23 number is 46.

24 THE COURT: 46?

25 THE JUROR: I don't have childcare from Wednesday

1 through Friday. I would have to just leave --

2 THE COURT: Speak into the microphone. We all need to  
3 hear you.

4 THE JUROR: Oh. I do not have childcare from  
5 Wednesday through Friday. I would have to pick up my children  
6 from school. My only excuse is just having to leave early.

7 THE COURT: On Friday?

8 THE JUROR: Wednesday through Friday.

9 THE COURT: Okay. I'm going to go ahead and excuse  
10 you, Ms. Fierro.

11 THE JUROR: Okay.

12 THE COURT: You may be excused, ma'am.

13 Anyone else on the fourth row?

14 Yes, ma'am?

15 THE JUROR: Good morning. My name is Juanita Vasquez.  
16 My number is 51. I don't have a problem. I don't know if it  
17 would be a problem to the attorneys, but I know Mr. Velarde's  
18 brother and his family, and I've known them for a long time.

19 THE COURT: Okay.

20 THE JUROR: And I'm still in contact with them. I  
21 don't have a problem with it. But...

22 THE COURT: I'm going to get to that in a little bit.  
23 That's going to be part of my questioning later on, but thank  
24 you for bringing it to our attention, Ms. Vasquez.

25 THE JUROR: Okay.

1 THE JUROR: Moises Hinojosa, Juror Number 58.

2 I have a hearing pending this morning in the 65th  
3 District Court, and they reset it, and it might be reset for  
4 later this week. And I won't know until I get out of here and  
5 call the court coordinator.

6 THE COURT: Mr. Hinojosa?

7 THE JUROR: Uh-huh.

8 THE COURT: Okay. I'll go ahead and excuse you, sir.  
9 You're free to leave.

10 THE JUROR: Thank you.

11 THE COURT: Anyone else in any row?

12 THE JUROR: Jennifer Rubalcaba, 52. And --

13 THE COURT: I'm sorry. What's your number?

14 THE JUROR: 52. And I'm asking to be excused because  
15 my mother is going to start radiation and chemotherapy for  
16 cancer treatment, and she's going to need my help along with my  
17 brother's help.

18 THE COURT: You're Number 56?

19 THE JUROR: 52.

20 THE COURT: 52? I'm sorry.

21 THE JUROR: Yes, sir.

22 THE COURT: Okay, Ms. Rubalcaba. I'll go ahead and  
23 excuse you, ma'am.

24 THE JUROR: Thank you.

25 THE COURT: You're free to leave.

1           Anyone else?

2           Ladies and gentlemen, I'm going to read to you the  
3   Indictment that issued by the Grand Jury. I'll caution you,  
4   though, the Indictment is not proof of any wrongdoing at all.  
5   It's only an accusation, but I need to read to you the  
6   Indictment.

7           The Indictment reads as follows:

8           The United States of America, plaintiff, versus Marco  
9   Antonio Delgado, Defendant.

10          The Grand Jury charges that: Count One:

11          From on or about July 2007 through December 2008, in  
12   the Western District of Texas and elsewhere, Defendant did  
13   knowingly combine, conspire, and agree with other persons,  
14   known and known to the Grand Jury, to commit offenses against  
15   the United States in violation of Title 18, United States Code,  
16   Section 1956, to wit:

17          A: To knowingly conduct and attempt to conduct a  
18   financial transaction affecting interstate commerce and foreign  
19   commerce, which transaction involved the proceeds of specified  
20   unlawful activity; that is, conspiracy to possess with intent  
21   to distribute a controlled substance, in violation of Title 21,  
22   United States Code, Section 846, knowing that the transaction  
23   was designed in whole in or in part to conceal and disguise the  
24   nature, location, source, ownership, and control of the  
25   proceeds of specified unlawful activity, and that while

1 conducting and attempting to conduct such financial  
2 transaction, knew that the property involved in the financial  
3 transaction represented the proceeds of some form of unlawful  
4 activity, in violation of Title 18, United States Code,  
5 Section 1956(a)(1)(B)(i).

6 And, B: To transport, transmit, and transfer, and  
7 attempt to transport, transmit, and transfer a monetary  
8 instrument or funds including the proceeds of specified  
9 unlawful activity; that is, conspiracy to possess with intent  
10 to distribute a controlled substance, in violation of Title 21,  
11 United States Code, Section 846, from a place in the  
12 United States to or through a place outside the United States,  
13 knowing that the funds involved in the transportation,  
14 transmission, and transfer represented the proceeds of some  
15 form of unlawful activity and knowing that such transportation,  
16 transmission, and transfer was designed in whole or in part to  
17 conceal and disguise the nature, location, source, ownership,  
18 and control of the proceeds of specified unlawful activity, in  
19 violation of Title 18, United States Code,  
20 Section 1956(a)(2)(B)(i).

21 And, C: To transport and transfer, and attempt to  
22 transport, transmit, and transfer a monetary instrument or  
23 funds involving the proceeds of specified unlawful activity;  
24 that is, conspiracy to possess with intent to distribute a  
25 controlled substance, in violation of Title 21, United States

1 Code, Section 846, from a place in the United States to and  
2 through a place outside the United States, knowing that the  
3 funds involved in the transportation, transmission, and  
4 transfer were designed in whole or in part to avoid a  
5 transaction reporting requirement under State or Federal law,  
6 in violation of Title 18, United States Code,  
7 Section 1956(a)(2)(B)(ii).

8 All in violation of Title 18, United States Code,  
9 Section 1956(h).

10 Ladies and gentlemen, I know it's a lot of legal  
11 language in there, but what it is is money laundering. Okay?  
12 That's what you'll be asked to determine.

13 Now I know you can't get too much out of the  
14 Indictment, so I'm going to -- I've asked the Government to  
15 give me some of the facts that they allege that they're going  
16 to prove. And again, this comes from them, not from me. Okay?

17 Now, I need to give you a little bit of information  
18 because I need to know whether you know anything about this  
19 case from any source whatsoever.

20 This is what the Government is claiming. The  
21 Government alleges that the Defendant Marco Delgado conspired  
22 with others, known and known, in El Paso, Texas, the Western  
23 District of Texas, and in the Republic of Mexico to launder  
24 millions of dollars of illegally obtained money on behalf of  
25 individuals from Mexico who, in exchange for his services,



1 promised to pay the Defendant a percentage of the value of the  
2 money laundered.

3 The Government further alleges that in September of  
4 2007, Delgado sent a co-conspirator to Atlanta, Georgia, to  
5 pick up approximately \$1 million in cash, which was proceeds of  
6 a specified unlawful activity, for transportation to El Paso,  
7 Texas, and then to Mexico.

8 The Government further alleges that in July of 2008  
9 the Defendant sent the same co-conspirator to Chicago,  
10 Illinois, to pick up 100,000 in cash, which was proceeds of  
11 specified unlawful activity, and to deposit the money in the  
12 bank account of a purported co-conspirator from Mexico.

13 Now, having given you some of the alleged facts as the  
14 Government sees it, do any of you know anything about this  
15 case -- let me put it this way.

16 Other than news reports -- I'm going to ask you  
17 specifically about news reports. Other than having heard some  
18 kind of news report, either in the paper or from whatever  
19 source, other than that, do any of you know anything about this  
20 particular case, again from any source other than the news?

21 Anyone on the first row? Anyone on the second row?  
22 Third row? Fourth row?

23 Now, my next question has to do with news articles  
24 that you may have seen. You know, like I read the paper every  
25 day. I suppose most of you do, or listen to the television.

1 There's nothing wrong with knowing -- with having heard any  
2 news accounts regarding this matter. What is wrong, though, is  
3 for it to influence you. So that's what I need to know.

4 Let me ask you this.

5 How many of you have read or listened to any accounts  
6 having to do -- news accounts having to do with this case in  
7 any way? A show of hands. Not that many.

8 Did any of you listen to the news this morning on Good  
9 Morning El Paso?

10 Okay. Any of you hear anything about this case, other  
11 than the ones that have indicated so?

12 Okay. Well, great. As I've indicated, there's  
13 nothing wrong keeping up with what the news is. What is wrong,  
14 though, is that it may influence you. In other words, it may  
15 set you to have a certain mindset where you come in here and  
16 you've already either made up your mind as to be guilty or not  
17 guilty or as to anything having to do with this case.

18 Remember that part of the instructions that I will  
19 give you later are that you're not to read anything. Up to  
20 now, you're under no instructions. But after -- those of you  
21 that become jurors and you take an oath, I'm going to give you  
22 the instruction that you're not to read or listen to anything.

23 The reason for that, ladies and gentlemen, is that the  
24 jurors that will hear this case will listen to all the  
25 witnesses. They will listen -- they will hear all the

1 evidence, and they will make that determination.

2 The news person comes in the courtroom, they may sit  
3 here for an hour and listen to one witness and go write a  
4 story. But the ones that really know what happened in this  
5 case will be the jurors, because you'll determine that from  
6 listening to all the witnesses and looking at all the exhibits.

7 So again, there's nothing wrong with you having heard  
8 anything about the news, having heard anything about this trial  
9 on the news.

10 But to the ones that indicated, I do need to ask you  
11 more questions. There are a couple of hands in row number  
12 two -- row number one. Anyone on row number one?

13 Anyone on row number two, I believe, that you  
14 indicated that you heard something.

15 Yes?

16 THE JUROR: Marcos Fraire, Juror Number 22. I just  
17 heard that it was going to start today on the news.

18 THE COURT: Okay. You heard that this morning?

19 THE JUROR: Yeah, this morning.

20 THE COURT: Okay. Does that influence you in any way?

21 THE JUROR: A little bit, because I've been reading  
22 about it a little bit since it started about a year ago, too,  
23 and I've read it before.

24 THE COURT: Well, I understand that. There's nothing  
25 wrong with you reading and keeping up with the news, as I've

1 indicated.

2 What I need to know is, does that influence you in any  
3 way? I mean, do you come in here thinking that maybe he's  
4 guilty, maybe he's not guilty? Do you come in here with a  
5 certain mindset? Does it influence you?

6 THE JUROR: I think I'm open-minded. I just like to  
7 read and just got informed, and I'm a little bit open-minded  
8 about it.

9 THE COURT: Can you sit as a juror in this case and  
10 decide whatever you're asked in this case having to do with  
11 only the testimony you hear here or the exhibits?

12 THE JUROR: No, not really.

13 THE COURT: Okay. You're reluctant. What's your  
14 number, sir?

15 THE JUROR: Number 22.

16 THE COURT: Number 22. Mr. Fraire?

17 THE JUROR: Yes.

18 THE COURT: Okay. Okay, Mr. Fraire, I'm going to go  
19 ahead and excuse you, sir. You may be excused.

20 Is there someone else on the second row that indicated  
21 that they heard some...

22 THE JUROR: My name is Martha Reed, and I'm Juror  
23 Number 26. My husband is a state police officer, and I feel  
24 that that would -- I would be one-sided.

25 THE COURT: You don't think you could be fair and

1 impartial?

2 THE JUROR: No, I would not.

3 THE COURT: Okay. That's going to be a question for  
4 later. But if you bring it up now, okay. I'm not going to  
5 hold you any -- here any longer, Ms. Reed.

6 THE JUROR: Correct.

7 THE COURT: Martha Reed?

8 THE JUROR: Martha Reed, yes, sir.

9 THE COURT: I'm going to go ahead and excuse you,  
10 Ms. Reed.

11 THE JUROR: Thank you.

12 THE COURT: Anyone else hear any news accounts having  
13 to do with this trial in any way?

14 THE JUROR: Yes, Your Honor. I'm Juror 24,  
15 Christopher Boland. I work as a --

16 THE COURT: I'm sorry. What's your number?

17 THE JUROR: Number 24.

18 I work as a copy editor with the *El Paso Times*, so I'm  
19 not sure I'm going to be able to avoid reading more coverage of  
20 this, as that's part of my job duties.

21 THE COURT: Okay. Does that influence you in any way?

22 THE JUROR: Not yet. But if you --

23 THE COURT: You ought to know that --

24 THE JUROR: I'm sorry?

25 THE COURT: -- some news accounts are not very

1 accurate.

2 THE JUROR: Oh, well, as may be, sir.

3 THE COURT: Including what I heard this morning, quite  
4 frankly.

5 THE JUROR: I -- as we go forward, if we're not  
6 allowed to read coverage of the trial, that may be a problem  
7 for me at work.

8 THE COURT: Okay. Does that influence you in any way?

9 THE JUROR: Not -- no. No.

10 THE COURT: Can you be fair and impartial to both the  
11 Government and the Defense?

12 THE JUROR: I can.

13 THE COURT: Thank you, Mr. Boland.

14 Anyone else from having heard any news accounts?

15 THE JUROR: My name is Susan Daw, and I'm Juror Number  
16 35.

17 THE COURT: 35. Yes, ma'am?

18 THE JUROR: Yes, I'm aware of the case, and I'm  
19 familiar with the attorney and Mr. Delgado personally. Our  
20 children have been in school together before, and I'm very,  
21 very aware of the situation.

22 THE COURT: Do you think that would create a problem  
23 for you here having to be a juror in this --

24 THE JUROR: I'm sorry, it would, because I know his  
25 son. I know their children and --

1 THE COURT: I'm sorry?

2 THE JUROR: I do -- unfortunately, yes, as I know his  
3 son.

4 THE COURT: Okay. I can understand that. Ms. Daw?

5 THE JUROR: Yes.

6 THE COURT: Okay. I'm going to go ahead and excuse  
7 you, ma'am.

8 THE JUROR: Thank you.

9 THE COURT: You're free to leave.

10 Anyone else heard any news accounts having to do with  
11 this trial? Rows one, two, three, and four?

12 THE JUROR: Linda Mounts, Juror 56. My husband used  
13 to work with Mr. Delgado, and I'm aware of the newspaper  
14 articles.

15 THE COURT: You would have a problem --

16 THE JUROR: No.

17 THE COURT: -- sitting as a juror?

18 THE JUROR: No, but I just thought I'd better offer  
19 that information.

20 THE COURT: What's your number, ma'am?

21 THE JUROR: 56.

22 THE COURT: Yes, ma'am.

23 THE JUROR: Thank you.

24 THE COURT: Okay. Thank you very much.

25 Anyone else, news accounts? I'm going to get to more

1 questions in just a little bit.

2 Ms. Kanof, if you'll introduce yourself and who is  
3 with you at counsel table, ma'am.

4 MS. KANOF: I will, Your Honor. Thank you.

5 My name is Debra Kanof. I'm an Assistant  
6 United States Attorney for the Western District of Texas,  
7 assigned to the El Paso Division.

8 My co-counsel is Ms. Anna Arreola. She's also an  
9 Assistant United States Attorney for the Western District of  
10 Texas, El Paso.

11 We have at counsel table, across from us, Mr. Joshua  
12 Fry. He's a special agent with Homeland Security  
13 Investigations, although you will hear him referred to as being  
14 a special agent with Immigration and Customs Enforcement, ICE,  
15 as you hear it on TV. They change their name a lot, so he is  
16 HSI right now, but it used to be ICE during the period of this  
17 case.

18 And sitting -- also assisting us is Ms. Arreola's  
19 paralegal, Mr. Matthew Livingston. He's an employee of our  
20 office, and he's going to help both the Defense and the  
21 Prosecution with the electronic display system.

22 As you can see three -- we three attorneys are a  
23 little bit old, and we need some help from someone a little bit  
24 younger.

25 THE COURT: Ladies and gentlemen, as to the attorneys



1 representing the Government here, Ms. Kanof and Ms. Arreola, do  
2 any of you know them in any capacity, professionally, socially  
3 in any form?

4           Anyone on the first row? Anyone on the second row?  
5 Third? Or fourth?

6           They've introduced you to Mr. Livingston, the  
7 paralegal, and Agent Fry, Joshua Fry, with --

8           What agency was it, Ms. Kanof?

9           MS. KANOF: This week, Your Honor, it's Homeland  
10 Security Investigations.

11           THE COURT: Okay. I'm going to ask you about other  
12 potential witnesses in just a second.

13           But as to these two gentlemen sitting at counsel  
14 table, do any of you know them, again, in whatever capacity,  
15 socially or professionally or whatever?

16           Anyone on the first row? Second row? Third? Or  
17 fourth?

18           The Government anticipates that they will call the  
19 following witnesses -- anticipates. Okay? That doesn't  
20 necessarily mean that they will, but they do have to give me a  
21 list of who they anticipate they may call. They may not call  
22 them all, but I do have to mention them to you.

23           David Elliott, Carroll County Sheriff's Department.  
24 Is that --

25           MS. KANOF: That's a county that encompasses -- one of

1 the counties that encompasses Atlanta, Georgia.

2 THE COURT: Georgia. Okay. David Elliott, a sheriff  
3 deputy from Georgia.

4 Victor Ignacio Pimentel Rojas.

5 Thomas Justice, special agent, Homeland Security  
6 Investigations.

7 Santos Carrasco, Jr., trooper, Texas DPS.

8 Alex Ascencio, special agent, Homeland Security.

9 John McCabe, M-c-C-A-B-E, assistant special agent in  
10 charge, HSI, Homeland Security.

11 Gabriel Aguirre, special agent, Homeland Security.

12 Mr. Fry.

13 Liliana Narvaez.

14 And Mark Martinez, special agent, Homeland Security.

15 Do any of you know or think you may know any of these  
16 potential witnesses for the Government?

17 Anyone on the first row? Anyone on the second row?  
18 The third row? Or fourth?

19 Mr. Velarde, if you'll -- I'm going to be addressing  
20 myself to you, Mr. Velarde. You are lead counsel?

21 MR. VELARDE: Yes, sir.

22 THE COURT: If you'll introduce who's with you at  
23 counsel table, sir.

24 MR. VELARDE: Thank you very much, Your Honor.

25 Good morning, ladies and gentlemen. My name is Ray

1 Velarde, and I'm accompanied by my good friend, Richard Esper.  
2 We will be both representing Marco Antonio Delgado, the  
3 gentleman sitting right next to me.

4 I have an office here in El Paso on Montana Street,  
5 and I'm a graduate of Bowie High School.

6 Mr. Esper?

7 MR. ESPER: Good morning, ladies and gentlemen of the  
8 jury panel. I'm Richard Esper. I'm a lawyer here in El Paso,  
9 Texas, and I have been so for approximately 35 years.

10 I office at North El Paso Street and Yandell. As you  
11 get on the freeway, say, probably heading west, I office at  
12 that location. And I am a graduate of Austin High School and  
13 the University of Texas at El Paso.

14 THE COURT: I didn't know we were going to get an  
15 advertisement.

16 MS. KANOF: I'm sorry, Your Honor. I didn't know we  
17 were telling what high school we went to, but I'm a graduate of  
18 Burges High School.

19 THE COURT: Okay. You may be seated.

20 MR. VELARDE: Thank you.

21 THE COURT: Do any of you know who -- obviously,  
22 Mr. Delgado is at counsel table. Anyone else you have,  
23 counselors? Mr. Velarde, other than Mr. Delgado, is anyone  
24 else with you?

25 MR. VELARDE: Oh, yes, sir, I apologize.

1 Our investigator is Ricardo Ortiz. He offices with  
2 me.

3 THE COURT: Okay. Thank you.

4 MR. VELARDE: Thank you.

5 THE COURT: My first question is as to the attorneys,  
6 ladies and gentlemen. Do any of you know, again in whatever  
7 capacity, socially, professionally or otherwise, the attorneys  
8 representing Mr. Delgado here today, Mr. Velarde and -- or  
9 Mr. Esper?

10 Anyone on the first row? Anyone on the second row?  
11 Anyone on the third row?

12 Yes, ma'am?

13 THE JUROR: Hi. My name is Kelley González. I'm  
14 Juror Number 29, and I do know Mr. Ray Velarde.

15 THE COURT: Okay. Back up a little. Number what?

16 THE JUROR: 29.

17 THE COURT: 29? Ms. González?

18 THE JUROR: Yes.

19 THE COURT: And you're married to an attorney?

20 THE JUROR: Yes, sir.

21 THE COURT: Okay. You know who, Mr. Velarde?

22 THE JUROR: Yes.

23 THE COURT: Not Mr. Esper or the other attorneys?

24 THE JUROR: No.

25 THE COURT: Okay. Professionally, socially?

1 THE JUROR: My husband used to office with him.

2 THE COURT: Okay. Does that influence you in this  
3 case in any way?

4 THE JUROR: Not at all.

5 THE COURT: Can you be fair and impartial to both the  
6 Government and the Defense?

7 THE JUROR: Yes.

8 THE COURT: You don't have anything against  
9 Mr. Velarde because of that, do you?

10 THE JUROR: No.

11 THE COURT: Okay. Okay, Ms. González. Thank you very  
12 much, ma'am.

13 Anyone else on the third row? Fourth row?

14 They've introduced you to Mr. Delgado. He's the  
15 accused in this case here today. Do any of you know  
16 Mr. Delgado, again, in any capacity?

17 Why don't you stand up, Mr. Delgado, so they can see  
18 you.

19 (Defendant complies.)

20 THE COURT: Thank you very much. Thank you.

21 Do any of you know Mr. Delgado in any capacity?

22 Anyone on the first row? Second row? Third? Or fourth?

23 They've introduced you to Mr. Ortiz, Ricardo Ortiz,  
24 the investigator for Mr. Velarde. Do any of you know  
25 Mr. Ortiz?

1           Anyone on the first row? Second row? Third? Fourth?

2           Have any of you ever been involved in any capacity  
3 having to do with law enforcement, you yourself? I will get to  
4 any close friends or family in my next question. But right  
5 now, I need to know about you personally. Have you ever been  
6 involved in any capacity having to do with law enforcement?

7           Anyone on the first row? Second row? Third row? Or  
8 fourth?

9           THE JUROR: Socorro Brito, Number 40. My ex-husband  
10 is a retired police officer.

11          THE COURT: Okay. I was going to ask that in my next  
12 question. But for now, does that influence you in any way,  
13 Ms. Brito?

14          THE JUROR: No. No, not at all.

15          THE COURT: Thank you, ma'am.

16          Again, you personally. Any one of you ever been  
17 involved in any capacity with law enforcement?

18          THE JUROR: Gerardo Guerrero, Number 47. I was an  
19 instructor -- I don't know -- with the adult Probation  
20 Department for the County of El Paso several years ago.

21          THE COURT: You're not -- you're not there now, right?

22          THE JUROR: No, I'm not.

23          THE COURT: How long ago was that?

24          THE JUROR: That was back in 2003.

25          THE COURT: Okay. Does that influence you in any way,

1 Mr. Guerrero?

2 THE JUROR: No, it doesn't.

3 THE COURT: Okay. Thank you very much, sir.

4 THE JUROR: Thank you.

5 THE COURT: Anyone else, you personally involved in  
6 law enforcement?

7 THE JUROR: Yes, sir. My name is Jorge Chavez, Juror  
8 Number 53. I'm just a security officer with the Texas Tech  
9 University Police Department.

10 THE COURT: Okay. Does that influence you in any way  
11 in this case, Mr. Chavez?

12 THE JUROR: No, sir.

13 THE COURT: You could be fair and impartial to both  
14 sides?

15 THE JUROR: Yes, sir.

16 THE COURT: Thank you very much, sir.

17 Anyone else, on the fourth row I believe I'm in?

18 THE JUROR: Irene Bustamante, Number 59.

19 THE COURT: Yes, ma'am.

20 THE JUROR: I worked corrections for -- I worked  
21 corrections a few years back.

22 THE COURT: How many years back?

23 THE JUROR: I would say about four years.

24 THE COURT: Okay. Does that influence you in any way  
25 in this case?

1 THE JUROR: Not at all.

2 THE COURT: Thank you, Ms. Bustamante.

3 Anyone else on any other rows, you personally?

4 My next question has to do with your close friends or  
5 close family. I don't need to know about your cousin that  
6 lives in Georgia or whatever. But those of you that have  
7 contact with your friends and family, that are in contact with  
8 them, do any of you have close friends or family that are or  
9 have been involved in law enforcement?

10 Anyone on the first row?

11 THE JUROR: Socorro Velasco, Juror Number 5.

12 THE COURT: Yes, ma'am.

13 THE JUROR: My brother works at the halfway house in  
14 Horizon, the department of corrections.

15 THE COURT: Your -- what is he?

16 THE JUROR: I'm sorry?

17 THE COURT: What relationship to you?

18 THE JUROR: My brother.

19 THE COURT: Your brother.

20 Does that influence you in any way in this case,  
21 Ms. Velasco?

22 THE JUROR: I don't believe so.

23 THE COURT: You won't have a problem with it?

24 THE JUROR: No, sir.

25 THE COURT: Okay. Thank you, ma'am.



1 THE JUROR: Thank you.

2 THE COURT: Anyone else?

3 Yes, sir. Mr. Contreras?

4 THE JUROR: Good morning, sir. My name is Ramon  
5 Contreras, Juror Number 6.

6 I do have two brothers-in-law. One of them works  
7 at -- they're both Homeland Security, one in Phoenix, and the  
8 other one here in El Paso.

9 THE COURT: Okay. Does that influence you in any way,  
10 sir?

11 THE JUROR: No, sir, not in any way.

12 THE COURT: Even if you know the witnesses are going  
13 to be from Homeland Security?

14 THE JUROR: No, sir.

15 THE COURT: If you were to sit on this jury and the  
16 Government couldn't prove their case and the jury came back and  
17 found Mr. Delgado not guilty, do you have any qualms about the  
18 next time you see your relatives that work for HSI and say, You  
19 know what? I served on a jury, they didn't prove it, and I  
20 voted for not guilty.

21 THE JUROR: Of course not, sir. I think we live in a  
22 fair country. And definitely, until we're proven guilty, then  
23 that's when we -- you know, even God tells us not to judge. So  
24 I would not have a problem with it.

25 THE COURT: Okay. Thank you very much.

1 Yes, ma'am?

2 THE JUROR: My name is Romelia Guereque. I have my  
3 brother-in-law, a retired FBI agent for ICE.

4 THE COURT: Okay. Does that pose any problem to you  
5 in this case, ma'am?

6 THE JUROR: No, sir.

7 THE COURT: Thank you, Ms. Guereque.

8 Anyone else, going down the line?

9 THE JUROR: Melissa Armendáriz, Juror Number 8. My  
10 brother works for the sheriff's department here in El Paso.

11 THE COURT: Okay. Does that influence you in this  
12 case, ma'am?

13 THE JUROR: Not at all.

14 THE COURT: Thank you, Ms. Reyes [sic].

15 Going down the line, yes, sir?

16 THE JUROR: Sergio Reyes, Juror Number 9.

17 My son, he works at Homeland Security. And a couple  
18 of my nephews, they work in San Antonio as internal affairs,  
19 and one -- another one in Homeland Security also.

20 THE COURT: Okay, Mr. Reyes. Does that pose any  
21 problem to you in this case?

22 THE JUROR: No, not really.

23 THE COURT: Not at all?

24 THE JUROR: No.

25 THE COURT: Okay. Thank you, Mr. Reyes.

1           Anyone else on the first row, close family or  
2 friends -- oh, wait.

3           There's someone else up here, Jayna. Someone on the  
4 first row.

5           THE JUROR: Cesar Villalobos, Number 3. I actually  
6 train Border Patrol and state troopers on a daily basis at my  
7 gym. So...

8           THE COURT: Okay. Do you have a problem? Does that  
9 pose a problem in this case?

10          THE JUROR: No. I don't think so, no.

11          THE COURT: Thank you, Mr. Villalobos.

12          Okay. Now, I have somebody over here.

13          Yes, ma'am?

14          THE JUROR: Katherine Wentling, Juror 14.

15          My husband is an agent with the Department of Homeland  
16 Security.

17          THE COURT: Okay. What's your number, ma'am?

18          THE JUROR: 14.

19          THE COURT: 14?

20          THE JUROR: Uh-huh. Yes.

21          THE COURT: He is presently with HSI?

22          THE JUROR: He -- at DSH at Fort Bliss.

23          THE COURT: Okay. Oh. Does that pose a problem to  
24 you in this case?

25          THE JUROR: No.

1 THE COURT: Can you be fair and impartial --

2 THE JUROR: Yes.

3 THE COURT: -- to both sides?

4 THE JUROR: Yes.

5 THE COURT: Thank you, ma'am.

6 Yes, ma'am?

7 THE JUROR: Gina Barnett, Juror 15.

8 THE COURT: Yes, ma'am.

9 THE JUROR: My father works for the Department of  
10 Homeland Security as well. And then my sister, for the DEA, in  
11 assets and forfeitures.

12 THE COURT: Presently working with them?

13 THE JUROR: Yes.

14 THE COURT: Does that pose a problem in this case?

15 THE JUROR: Not yet.

16 THE COURT: I think you're a little too close to --  
17 you're a little too close to what we're going to be involved in  
18 here. I'm going to go ahead and excuse you, Ms. Barnett.

19 THE JUROR: Thank you.

20 THE COURT: You're Juror Number 15, right?

21 THE JUROR: Yes.

22 THE COURT: You may be excused, ma'am.

23 That's row one. Now row two, beginning on my left  
24 over here.

25 THE JUROR: Hi. My name is Susana Lopez, and my

1 husband is an agent with Border Patrol. I am Juror Number 18.

2 THE COURT: Does that pose a problem in this case to  
3 you? Will that influence you in any way?

4 THE JUROR: I don't think so.

5 THE COURT: Well, you hesitate. We need to know,  
6 ma'am.

7 THE JUROR: No.

8 THE COURT: You could be fair and impartial to both  
9 sides?

10 THE JUROR: I'm not sure.

11 THE COURT: If you have a problem let us know.

12 THE JUROR: I'm not sure. I'm not positive if I can.

13 THE COURT: You're not what?

14 THE JUROR: I'm not positive if I can be fair and  
15 impartial.

16 THE COURT: You can be fair and impartial or you're  
17 not sure?

18 THE JUROR: I'm not positive I can.

19 THE COURT: Okay. I'm going to go ahead and excuse  
20 you, Ms. Lopez. You're free to leave, ma'am. Thank you.

21 THE JUROR: I'm Wendell N. Ladd, Juror Number 20.

22 My sister works for ICE in Dallas, but it won't affect  
23 me at all.

24 THE COURT: Okay. Thank you, Mr. Ladd.

25 Anyone else on the second row?

1 THE JUROR: My name is Nancy Puga. I'm Juror Number  
2 23. I have several people in the law enforcement: Three  
3 cousins, lawyers, and several family members also with ICE and  
4 Border Patrol.

5 THE COURT: You're a scheduler?

6 THE JUROR: Yes.

7 THE COURT: With who?

8 THE JUROR: With UMC, University Medical Center.

9 THE COURT: I see. All these relationships that you  
10 have, does that pose a problem to you?

11 THE JUROR: No, not really.

12 THE COURT: Okay. You could be fair and impartial to  
13 both sides?

14 THE JUROR: Yeah. If I could hear the case, yeah.

15 THE COURT: Okay, Ms. Puga. Thank you, ma'am.

16 Going down the line, row number two?

17 THE JUROR: My name is Hannah Davis. I'm Number 27.

18 THE COURT: Yes, ma'am?

19 THE JUROR: I'm married to a U.S. Border Patrol agent.

20 THE COURT: Okay. Does that influence you in this  
21 case?

22 THE JUROR: I think it would, yes, sir.

23 THE COURT: Okay. Okay, Ms. Davis. I'm going to go  
24 ahead and excuse you. You're free to leave.

25 Second row. Anyone else on the second row? Anyone on

1 the third row, close friends or family that have been involved  
2 or are involved in law enforcement?

3 THE JUROR: I'm Herminia Hemmitt, Number 32. My  
4 brother-in-law is a Customs agent here in El Paso.

5 THE COURT: Ms. Hemmitt?

6 THE JUROR: Yes.

7 THE COURT: Okay. Does that influence you in this  
8 case, ma'am?

9 THE JUROR: No, sir.

10 THE COURT: Thank you, ma'am.

11 THE JUROR: My name is Eduardo Salas. I'm Juror  
12 Number 31. My brother-in-law is a DEA agent here in El Paso  
13 and in Juárez.

14 THE COURT: Okay. Does that influence you in this  
15 case, Mr. Salas?

16 THE JUROR: I hope not.

17 THE COURT: No, no, no. No.

18 THE JUROR: I will try to be impartial.

19 THE COURT: No, no, no, no. You have to be impartial  
20 if you're going to serve on this jury.

21 THE JUROR: Okay. I will be impartial.

22 THE COURT: Now, can you be fair to the Government and  
23 to the Defense?

24 THE JUROR: Yes, sir.

25 THE COURT: If you were sitting over here at the

1 Defense table, you wouldn't have any problem with someone like  
2 you sitting on the jury box? I mean, on the -- yeah, inside  
3 the jury box?

4 THE JUROR: Yes, sir, I would.

5 THE COURT: You would have a problem?

6 THE JUROR: To be honest, yes, sir, I would.

7 THE COURT: Okay. Okay, Mr. Salas. I'm going to go  
8 ahead and excuse you, sir. Thank you.

9 THE JUROR: Hello. I'm Carmen Ayala, Juror Number 30.

10 THE COURT: Yes, ma'am.

11 THE JUROR: And I have an uncle who is a retired  
12 police officer, and it would not influence me at all.

13 THE COURT: Thank you, Ms. Ayala. Thank you, ma'am.

14 THE JUROR: Thank you.

15 THE COURT: Anyone else there on the third row, I  
16 believe?

17 Yes.

18 THE JUROR: Jose Zamora, Juror 34. Two cousins.  
19 One's a canine, but it wouldn't make me be unfair and  
20 impartial.

21 THE COURT: You can be fair and impartial?

22 THE JUROR: I would be fair and impartial.

23 THE COURT: Thank you, Mr. Zamora.

24 Anyone else on the third row there? Over here?

25 THE JUROR: Stephanie Guerra, Juror Number 38. I have



1 an uncle who used to be an FBI agent and another who is retired  
2 police department.

3 THE COURT: Can you be fair and impartial in this  
4 case?

5 THE JUROR: Uh-huh. Yes.

6 THE COURT: Thank you, ma'am.

7 Anyone else on the third row?

8 Yes, ma'am?

9 THE JUROR: Soledad González, Juror Number 41. My  
10 brother is a U.S. Customs in California.

11 THE COURT: Okay. Would that influence you in this  
12 case, Ms. González?

13 THE JUROR: No, sir.

14 THE COURT: Thank you very much, ma'am.

15 Anyone else, third row? Okay. Last row, number four,  
16 beginning on my left?

17 Yes, sir?

18 THE JUROR: Jesús Trejo, Juror Number 44. I have a  
19 cousin that works for Customs and Immigration in a border town  
20 in South Texas, and has for many, many years.

21 I think based on conversations that I've had with him  
22 over a period of time it would impair me.

23 THE COURT: You would have a problem?

24 THE JUROR: Yes, sir.

25 THE COURT: Okay, Mr. Trejo. I'm going to go ahead

1 and excuse you. You're free to leave, sir.

2 Anyone else on the fourth row? Family or friends,  
3 close friends in law enforcement?

4 THE JUROR: Sir, my name is Jorge Chavez, Juror Number  
5 53. All my co-workers are police officers right now.

6 THE COURT: What's your number, 53?

7 THE JUROR: Yes, sir.

8 THE COURT: Does that influence you in any way in this  
9 case?

10 THE JUROR: No, sir.

11 THE COURT: Thank you, Mr. Chavez.

12 THE JUROR: Juanita Vasquez, Juror Number 51. I have  
13 very close friends Border Patrol, and close friends with the --  
14 retired DEA.

15 THE COURT: Okay. Does that pose any problem to you  
16 in this case? Will that influence you?

17 THE JUROR: I don't know.

18 THE COURT: Well --

19 THE JUROR: No, probably not.

20 THE COURT: What's your number, ma'am?

21 THE JUROR: 51.

22 THE COURT: Are you Ms. Vasquez?

23 THE JUROR: Excuse me?

24 THE COURT: What's your number, 51?

25 THE JUROR: 51, Juanita Vasquez.

1 THE COURT: Juanita Vasquez. Now, you say it won't  
2 influence you in any way? You would be fair and impartial?

3 THE JUROR: Uh-huh.

4 THE COURT: Yes?

5 THE JUROR: (No verbal response.)

6 THE COURT: Okay. Thank you, ma'am.

7 Anyone else on the fourth row?

8 Yes, ma'am?

9 THE JUROR: My name is Zulema Inguanzo, Juror  
10 Number 55. My ex-husband, with the sheriff's department.

11 THE COURT: Okay. Does that influence you in any way  
12 in this case, ma'am?

13 THE JUROR: No, sir.

14 THE COURT: Ms. Inguanzo?

15 THE JUROR: Yes, sir.

16 THE COURT: Thank you, ma'am.

17 Anyone else on the fourth row?

18 THE JUROR: My name is Annette Findley, Juror  
19 Number 57. I have a cousin that works for the DEA.

20 THE COURT: Okay. Does that influence you in any way  
21 in this case, ma'am?

22 THE JUROR: Yes, it would.

23 THE COURT: You think so?

24 THE JUROR: Yes, sir.

25 THE COURT: What's your number, ma'am?

1 THE JUROR: 57.

2 THE COURT: Ms. Findley?

3 THE JUROR: Yes.

4 THE COURT: Okay. I'm going to go ahead and excuse  
5 you, ma'am. You're free to leave.

6 Anyone else in any row?

7 How many of you have served on a jury before in a  
8 criminal case like this one, where you actually went into  
9 deliberations?

10 Let me see on the first row, how many? The second  
11 row? Just one. Third row? Fourth row? There's one on the  
12 fourth row? Okay.

13 Did any -- a couple over here, too. Okay. Thank you.

14 Did any of those trials end up as a mistrial because  
15 you and the other members of the jury could not reach a  
16 verdict? Do you have any mistrials?

17 What's your number, ma'am?

18 THE JUROR: Sandra Noriega, Juror Number 4.

19 THE COURT: Okay. Was that in state court?

20 THE JUROR: No. It was actually federal.

21 THE COURT: I'm sorry?

22 THE JUROR: It was U.S.

23 THE COURT: Federal court?

24 THE JUROR: Yes.

25 THE COURT: It was a mistrial?

1 THE JUROR: Yes, sir.

2 THE COURT: Okay. Does that experience in any way  
3 affect you where you could not be fair and impartial in this  
4 case?

5 THE JUROR: No, it didn't affect me.

6 THE COURT: Okay. Thank you, ma'am.

7 THE JUROR: My name is Romelia Guereque, Juror Number  
8 7, and it was a criminal case.

9 THE COURT: In state court?

10 THE JUROR: Yes.

11 THE COURT: Okay. The jury could not reach a verdict?

12 THE JUROR: It was a mistrial.

13 THE COURT: Well, because the jury could not reach a  
14 verdict?

15 THE JUROR: Yes, sir.

16 THE COURT: Okay. There's a lot of reasons for  
17 mistrials, okay? That's one of them.

18 THE JUROR: Yes.

19 THE COURT: Does that affect you in any way? Does  
20 that maybe influence you in any way?

21 THE JUROR: No, sir.

22 THE COURT: Thank you. Thank you, ma'am.

23 Anyone else?

24 THE JUROR: Carlos Reynozo, 11. It was a mistrial  
25 because we couldn't get to -- the jury didn't get to agree, so

1 it was a mistrial.

2 THE COURT: Okay. What's your number?

3 THE JUROR: 11.

4 THE COURT: I'm sorry?

5 THE JUROR: Number 11.

6 THE COURT: 11. Okay. Did that experience affect you  
7 in any way why you could not be fair and impartial here?

8 THE JUROR: I think so.

9 THE COURT: You would be affected?

10 THE JUROR: I think so, yes.

11 THE COURT: Okay. Mr. Reynozo, I'm going to go ahead  
12 and -- I'm going to go ahead and excuse you, sir. You're free  
13 to leave. You're free to leave.

14 Ladies and gentlemen, you're going to hear from the  
15 evidence that Mr. Delgado here, the gentleman on trial, is an  
16 attorney. He's a licensed attorney. He is charged with an  
17 offense involving conspiracy to commit money laundering.

18 Would the fact that he is charged with this offense  
19 and that he's an attorney, will that influence you, any of you,  
20 in any way where you could not be fair and impartial?

21 Anyone on the first row be influenced by that? Second  
22 row? Third? Or fourth?

23 Yes, ma'am? What's your number, ma'am?

24 THE JUROR: Juror Number 40, Socorro Brito.

25 THE COURT: 40?

1 THE JUROR: Yes. I'm not sure that I could be fair  
2 and impartial.

3 THE COURT: Now, you have to speak into the  
4 microphone.

5 THE JUROR: I'm not sure that I could be fair and  
6 impartial. I'm sorry.

7 THE COURT: You could not be fair and impartial?

8 THE JUROR: No.

9 THE COURT: You're Ms. Brito?

10 THE JUROR: Yes.

11 THE COURT: Okay. Thank you, ma'am. You may be  
12 excused, Ms. Brito.

13 You'll also hear evidence during trial that  
14 Mr. Delgado was employed at one time with a law firm here in  
15 El Paso. That law firm is Delgado, Acosta, Braden & Jones. He  
16 is not the Delgado that's the named partner in this -- in this  
17 law firm. He was an attorney hired by the law firm, okay, as  
18 an associate, not as a named partner.

19 Do any of you have any familiarity with the law firm  
20 of Delgado, Acosta, Braden & Jones, represented by them in any  
21 way, know them, any of the attorneys there?

22 Anyone on the first row? Second row?

23 THE JUROR: Nancy Puga, Juror Number 23. Like I said  
24 before, I do have a lot of family in the law enforcement,  
25 lawyers. And I knew -- well, I didn't know him personally, but

1 I knew the firm Braden & Jones.

2 THE COURT: Right. Ms. Puga, does that in any way  
3 influence you?

4 THE JUROR: You know, now that I'm thinking about it,  
5 yes. There's too many --

6 THE COURT: You would have a problem?

7 THE JUROR: Yes, sir.

8 THE COURT: Okay. Thank you.

9 THE JUROR: And I graduated from Bel Air.

10 THE COURT: Okay. Thank you, ma'am. You're free to  
11 leave. I'm excusing you at this time.

12 Anyone else familiar with the firm or know who they  
13 are or been sued by them or anything like that?

14 THE JUROR: Again, that's the same law firm that my  
15 husband worked for. Juror Number 56.

16 THE COURT: That he works for?

17 THE JUROR: Uh-huh.

18 THE COURT: Are they --

19 THE JUROR: He's no longer with them, though.

20 THE COURT: Delgado, Acosta, are they -- I thought  
21 they had dissolved the firm.

22 THE JUROR: He's no longer with them.

23 THE COURT: Okay.

24 THE JUROR: He has not been with them for two to three  
25 years.



1 THE COURT: What is your number, ma'am?

2 THE JUROR: 56.

3 THE COURT: Yes, ma'am, Ms. Mounts.

4 I think you're a little bit too close to what's  
5 involved here, ma'am.

6 THE JUROR: Okay.

7 THE COURT: I'm going to go ahead and excuse you,  
8 ma'am. Thank you very much, ma'am. You're free to leave.

9 Anyone else familiar with the law firm in any  
10 capacity?

11 Ladies and gentlemen, I've introduced you, they've  
12 introduced themselves, the people from the U.S. Attorney's  
13 Office, Ms. Kanof and Ms. Arreola.

14 Do any of you know any of the other attorneys working  
15 or who have worked at the U.S. Attorney's Office? Attorneys or  
16 otherwise, any kind of staff? Any of you know or have known  
17 them?

18 Anyone on the first row? The second row? Third row?  
19 Or fourth?

20 Do any of you know each other? Any of you know, like  
21 Juror Number 3 know Juror Number 50 or whatever? Do any of you  
22 know each other?

23 Yes, sir? What's your number?

24 THE JUROR: Number 16. I know Herminia. We work,  
25 well, kind of together, same place. And I think I'll be

1 impartial -- no.

2 THE COURT: Number 16?

3 THE JUROR: Yeah. We just never get along. That's  
4 why.

5 THE COURT: If you were on this jury, would that  
6 influence you in any way, sir?

7 THE JUROR: No.

8 THE COURT: No? You would make up your own mind and  
9 not rely on someone else to make up your mind for you?

10 THE JUROR: (No verbal response.)

11 THE COURT: You'd be -- yes?

12 THE JUROR: I have other reasons why I can't be on the  
13 jury, but because of her, it's okay.

14 THE COURT: Well, let me hear from you now.

15 THE JUROR: Do you want to hear it?

16 THE COURT: Yes. Give him the microphone.

17 THE JUROR: Well, I could never be in favor of the  
18 federal government in a drug case. Because as long as our  
19 soldiers are guarding marijuana plants in Afghanistan and being  
20 paid for it -- you guys know what I'm talking about -- I cannot  
21 say this guy did anything wrong.

22 THE COURT: Okay. In other words, you could not  
23 follow my instructions if I told you you have to follow the law  
24 and --

25 THE JUROR: No.

1 THE COURT: Okay. Thank you, Mr. Carnevale --

2 THE JUROR: Right. The federal government doesn't do  
3 it, so...

4 THE COURT: Okay, Mr. Carnevale. Thank you very much.  
5 You're free to leave.

6 THE JUROR: Okay. Thank you.

7 THE COURT: You may be excused.

8 So I don't have to ask -- okay. Somebody -- anybody  
9 else know each other?

10 Yes, ma'am?

11 THE JUROR: Socorro Velasco, Juror Number 5. I've  
12 worked many years with Juror Number 60, but none of us work in  
13 law enforcement.

14 THE COURT: You wouldn't have a problem serving --  
15 serving as a juror --

16 THE JUROR: No.

17 THE COURT: -- on a jury?

18 THE JUROR: No, it wouldn't be an issue.

19 THE COURT: No? Okay. Thank you, ma'am.

20 Anyone else know each other?

21 Ladies and gentlemen, when we have selected the jury  
22 and -- when we have selected the jury and before we start  
23 taking the testimony, or even before we -- we hear from the  
24 attorneys on an opening -- their opening statement, I will give  
25 you certain instructions.

1           One of the instructions that I will give you goes like  
2 this:

3           The burden of proof is on the Government until the  
4 very end of the case. The Defendant has no burden to prove his  
5 innocence or to present any evidence or to testify.

6           Since the Defendant has a right to remain silent, the  
7 law prohibits you in arriving at your verdict from considering  
8 that the Defendant may not have testified.

9           In other words, you cannot consider that if you're  
10 part of this jury. But if you have a problem with it -- I  
11 don't know if he's going to testify or not, ladies and  
12 gentlemen. Maybe they haven't made up their mind or whatever.  
13 It's perfectly all right. It's perfectly all right. They  
14 don't have to -- they don't have to tell us.

15           But if -- in fact if he doesn't testify, would that  
16 affect you to the extent that you could not follow the  
17 instruction as I've given to you? Anyone have a problem with  
18 the instruction?

19           Anyone on the first row? Second row? Third row? Or  
20 the fourth?

21           THE JUROR: My name is Maria Elena Martinez, and my  
22 Juror Number is 36.

23           I just have a doubt because I'm not sure if I'm going  
24 to understand everything.

25           THE COURT: I can barely hear you.

1 THE JUROR: Okay. My question is if -- what if I  
2 don't understand? Can I go back and ask, if I don't understand  
3 the instructions that you --

4 THE COURT: Okay. Do you want me to read it again?

5 THE JUROR: Please.

6 THE COURT: Okay. What's your number, ma'am?

7 THE JUROR: 36.

8 THE COURT: 36?

9 THE JUROR: Yes.

10 THE COURT: The instruction that I will give you will  
11 be as follows:

12 The burden of proof is on the Government until the  
13 very end of the case. The Defendant has no burden to prove his  
14 innocence or to present any evidence or to testify.

15 Since the Defendant has a right to remain silent, the  
16 law prohibits you in arriving at your verdict that the  
17 Defendant may not have testified. Okay?

18 My question is: Do any of you have a problem with  
19 that, where you could not follow the instruction as I've given  
20 it to you? Anyone?

21 First row? Second row? Third? Or fourth?

22 Yes, ma'am.

23 THE JUROR: Excuse me, again. It's because English is  
24 my second language, so I really --

25 THE COURT: I can barely hear you. Speak into the

1 microphone.

2 THE JUROR: I'm saying that English is my second  
3 language, so I can't really -- I'm not sure if I understand  
4 everything. I'm sorry.

5 THE COURT: Well --

6 THE JUROR: Is there any translation or something?

7 THE COURT: Well, do you think you may have a problem?  
8 You think you may have a problem listening and taking --  
9 listening to the testimony because it will be in English?

10 THE JUROR: Yes.

11 THE COURT: You would have a problem?

12 What's your number, ma'am?

13 THE JUROR: 36.

14 THE COURT: 36. Ms. Martinez?

15 THE JUROR: Yes, sir.

16 THE COURT: Okay. Okay. I'm going to go ahead and  
17 excuse you, Ms. Martinez. You're free to leave, ma'am.

18 THE JUROR: Thank you.

19 THE COURT: Anyone -- again, anyone that would not  
20 follow the instruction as I've given it to you?

21 Anyone have -- like Ms. Martinez, anyone have any  
22 other reason why you could not serve on this jury? Again, like  
23 I said, she has trouble understanding everything or whatever.  
24 If you can't -- if you can't listen to all the testimony or --  
25 obviously, there would be a problem.

1 Do any of you have -- for any reason -- have a problem  
2 where you could not serve on this jury? First row?

3 THE JUROR: Sergio Reyes, Juror Number 9.

4 You see, I have some kind of problem on making a  
5 decision that might be impartial, or -- because the way that I  
6 educate my kids --

7 THE COURT: Wait, wait, wait. I don't need to go into  
8 that --

9 THE JUROR: Okay.

10 THE COURT: -- Mr. Reyes. Do you have a problem that  
11 you could not be fair and impartial? That's all I need to  
12 know.

13 THE JUROR: I have a problem, so I probably -- I'm not  
14 going to be impartial.

15 THE COURT: Okay. That's all I need to know. I don't  
16 need to know why.

17 THE JUROR: Okay, sir.

18 THE COURT: I'm going to go ahead and excuse you,  
19 Mr. Reyes. You may be excused, sir. You're free to leave.

20 THE JUROR: Okay. Thank you.

21 THE COURT: Thank you very much for your service.

22 THE JUROR: My name Miguel Tavares, Number 12. I do  
23 have the same issue that the lady just left, Ms. Martinez, that  
24 I don't know if I'm sure if I understand everything, because  
25 the English is my second language.

1 THE COURT: Okay. That's all I need to know. I'm  
2 going to go ahead ask excuse you, Mr. Tavares.

3 THE JUROR: Thank you.

4 THE COURT: You're free to leave, sir.

5 Anyone else have a problem where they could not serve  
6 on this jury.

7 THE JUROR: My name is Eloy Carmona. I'm Juror Number  
8 19. I've been listening more or less, and I figure that it's  
9 going to take about a week. I'm -- thinking back, I'm a  
10 schoolteacher entrusted with 75 students, and I tend to think,  
11 well, when is this going to be over or, you know, can they  
12 hurry it up? That might -- that might, you know, influence me.  
13 But that's -- I just need to let you know.

14 THE COURT: It might influence you where you could not  
15 be fair?

16 THE JUROR: When is it -- can we speed it up or -- I  
17 might be thinking that, or what are my students doing, because  
18 I'm entrusting these 75 students to a substitute teacher. And  
19 substitute teachers, some of them are good and some of them are  
20 not great. So I'm just thinking about it, and it's been on my  
21 mind.

22 THE COURT: Okay. I'm not going to excuse you right  
23 now, Mr. Carmona, because I have no reason to excuse you. But  
24 I'm going to take it under consideration.

25 THE JUROR: Thank you, sir.



1 THE COURT: Thank you.

2 Anyone else have a problem serving on this jury?

3 Second row? Third row? Fourth row?

4 Ms. Kanof, if you have any questions for the panel?

5 MS. KANOF: No, Your Honor.

6 THE COURT: Mr. Velarde?

7 MR. VELARDE: Yes, sir, I do, Your Honor.

8 VOIR DIRE EXAMINATION

9 BY MR. VELARDE:

10 Ladies and gentlemen, first of all, thank you very  
11 much for your service.

12 THE COURT: You've got to get closer to the  
13 microphone.

14 MR. VELARDE: Well, let me get over there, Judge.

15 Okay. Ladies and gentlemen, first of all, thank you  
16 very much for your service. Thank you very much for your  
17 candid responses. I hope to make some headway.

18 The Court has already touched upon a lot of subjects  
19 that I would intend to go over.

20 But I am compelled to remind you again, my client --  
21 our client sitting here at counsel table is an attorney by  
22 profession, and I would like to revisit that subject very  
23 carefully.

24 As attorneys, we are held to a higher standard. Is  
25 there anyone here, because this involves an alleged crime, that

1 is going to be inclined to think, Well, he's a lawyer;  
2 therefore, he should have known better?

3 Is there anybody? I take -- yes, sir, Mr. Carmona?

4 THE JUROR: I'm Juror Number 19, Eloy Carmona. That's  
5 the first thing that came to my mind when you said attorney. I  
6 said, He should have known better, as you say, to a higher  
7 standard.

8 So yes, I'm pretty sure that would influence me. I  
9 would say he should have known better.

10 THE COURT: Okay. Wait.

11 THE JUROR: Yes. I'm just --

12 THE COURT: I can appreciate that.

13 THE JUROR: You told me to be honest. I'm being  
14 honest.

15 THE COURT: Okay. All I need to know is if it might  
16 influence you. I'm going to go ahead and excuse you,  
17 Mr. Carmona. You're free to leave.

18 MR. VELARDE: And, like Mr. Carmona, is there anybody  
19 else that subscribes to the same belief?

20 THE JUROR: Manuel Palma, Juror Number 42. I think,  
21 in that sense, it would influence me that he, being an  
22 attorney --

23 MR. VELARDE: Thank you very much. Thank you, sir.

24 THE COURT: What's your number?

25 THE JUROR: 42.

1 THE COURT: 42?

2 THE JUROR: Yes, sir.

3 THE COURT: Mr. Palma?

4 THE JUROR: Yes, sir.

5 THE COURT: Okay. I'm going to go ahead and excuse  
6 you, Mr. Palma.

7 THE JUROR: Thank you, sir.

8 THE COURT: You're free to leave, sir.

9 MR. VELARDE: Anybody else besides Mr. Palma and  
10 Mr. Carmona that feels the same way?

11 Now already, there's been one juror who has  
12 volunteered that he works at the *El Paso Times*. And of course  
13 because we read newspapers, I'm compelled to ask you the next  
14 question.

15 In this local community there's extensive coverage  
16 about the increasing rate of drug trafficking and money  
17 laundering.

18 THE COURT: Mr. Velarde, one of my rules is that you  
19 cannot go over what I've already asked them.

20 MR. VELARDE: Okay.

21 THE COURT: Don't waste your time on that. You only  
22 have about five more minutes, sir.

23 MR. VELARDE: Thank you very much.

24 Well, I just want to know, because of the nature of  
25 the crime, is there anybody here who has any issue with that,

1 taking into account his profession?

2 Thank you very much.

3 Now, let me ask the following question.

4 The Judge did touch upon burden of proof. And burden  
5 of proof has not been spelled out for you. The way I spell it  
6 is if --

7 MS. KANOF: I'm going to object, Your Honor. They get  
8 the law from the Court.

9 THE COURT: I'll sustain the objection.

10 MR. VELARDE: Is there anyone who would lessen the  
11 Government's burden, as already discussed by the Court, given  
12 Mr. Delgado's profession?

13 Now, this question the Court did not touch upon. And  
14 inasmuch as it might touch upon personal medical issues, I  
15 would like to invite anyone who might have a problem because  
16 they're taking meds, medication, because they're -- they have  
17 some hearing impairment.

18 Is there anybody who would like to address that matter  
19 before the Court at the bench? Any medical issues that might  
20 interfere with your ability to sit as a juror?

21 I take it -- yes, sir.

22 THE JUROR: Joe DeAngelis, 21. I've had extensive  
23 back surgeries and I have hardware -- a titanium cage in my  
24 spine, screws and rods in my back. The length of time to sit  
25 on the jury, to sit here would become an issue for me if I

1 was -- for any extended amount of time. I'm good for 45  
2 minutes to an hour. After that I become crippled up and one  
3 thing or another. That's the only problem that I have  
4 physically.

5 THE COURT: What's your number?

6 THE JUROR: 21.

7 THE COURT: 21?

8 THE JUROR: Yes.

9 I've had two extensive back surgeries. The last one  
10 implanted titanium cages and screws and rods in my back and hip  
11 bone, from both my hips and stuff. So I have an issue for an  
12 extended length of time sitting, is my only problem.

13 THE COURT: Okay. Okay. I can understand,  
14 Mr. DeAngelis. I'm going to go ahead and excuse you, sir.  
15 You're free to leave.

16 THE JUROR: Thank you.

17 MR. VELARDE: There was another hand that went up in  
18 the back.

19 THE JUROR: Gerardo Guerrero, Number 47. Are we  
20 allowed to use the restroom while we're in session? Because  
21 sometimes I do need to use it.

22 THE COURT: Yes. There's a restroom in the jury room.  
23 Ordinarily we're not in court -- we're not in the court more  
24 than an hour and a half. Okay? Ordinarily.

25 And sometimes when I have a juror that needs to go to

1 the restroom or something, needs to be excused, there will be  
2 an officer sitting over here. All you have to do is let him  
3 know and I'll take a recess. Okay?

4 THE JUROR: Thank you very much.

5 THE COURT: Thank you, sir.

6 THE JUROR: Thank you.

7 MR. VELARDE: Now, finally, I would like for all of  
8 you who are now remaining, if there's any issue that you want  
9 to take up with the Court in private that would bear on your  
10 willingness to serve as a juror, is there anybody who would  
11 like to visit with the Court about any matter and you want to  
12 discuss that in private with Counsel and the Judge?

13 Thank you very much. I take it by your silence --  
14 I've exhausted my time. Thank you.

15 THE COURT: Ladies and gentlemen, for whatever reason,  
16 either for questions that I've asked or from Counsel, any of  
17 you at this time have any reason why you could not be fair and  
18 impartial in this -- in this trial if you were selected as a  
19 juror? Anyone have a problem with that?

20 I take that as a no.

21 I want you to look around, ladies and gentlemen, see  
22 where you're at. We're going to take a 20-minute break. We'll  
23 return at 11:30. Okay?

24 But you have to come seated -- and be seated right  
25 where you are now, okay? So look around and see where you're

1 at.

2 With that, we'll be in recess for the next 20 minutes.

3 (Recess taken; open court.)

4 THE COURT: Ladies and gentlemen, the clerk is going  
5 to read the names of the 12 jurors and two alternates. If your  
6 name is called, please rise. The officer is going to seat you  
7 in the jury box.

8 JURY CLERK: 1, Gabriela L. Reyna, is Juror Number 1.

9 2, Lorena Cuellar, is Juror Number 2.

10 3, Cesar L. Villalobos, is Juror Number 3.

11 5, Socorro M. Velasco, is Juror Number 4.

12 10, Stephanie Rose Chavarria, is Juror Number 5.

13 13, Daniel Nuñez, is Juror Number 6.

14 25, Lisette N. Nabhan, is Juror Number 7.

15 30, Carmen Virginia Ayala, is Juror Number 8.

16 34, Jose M. Zamora, is Juror Number 9.

17 38, Stephanie N. Guerra, is Juror Number 10.

18 39, Armando Rafael Rodriguez, Jr., is Juror Number 11.

19 43, Delmarie Colmenero, is Juror Number 12.

20 49, Landra Vasquez Piñedo, is Alternate Number 1.

21 50, Jose Alfredo Saucedo, is Alternate Number 2.

22 THE COURT: If you'll please rise to take the oath.

23 (The jury was duly sworn; all answered, "I do.")

24 THE COURT: Ladies and gentlemen of the panel, the  
25 rest of you, I want to thank you for your service here this

1 morning.

2 What's their instructions, Michele?

3 JURY CLERK: They need to call back on the 26th to  
4 see.

5 THE COURT: Call back on the 26th to see if you're  
6 going to be needed any further this month.

7 So with that, again with our thanks, ladies and  
8 gentlemen, thank you for your service here this morning.

9 All rise for the jury to be excused.

10 (Venire panel exits courtroom.)

11 THE COURT: You may be seated.

12 Ladies and gentlemen of the jury, as I indicated to  
13 you earlier, I'm going to give you that -- those instructions  
14 that I made reference to. Please listen -- and please abide by  
15 all of these instructions. When we get here every morning I'm  
16 going to ask you if you have complied with all the instructions  
17 I've given you. It's very important, so please listen to them  
18 as I give them to you.

19 These instructions are meant to guide your  
20 participation in this trial.

21 It will be your duty to find from the evidence what  
22 the facts are. You and you alone are the judges of the facts.  
23 You will then have to apply to those facts the law as I will  
24 give it to you.

25 You must follow the law whether you agree with it or



1 not.

2 Nothing that I may say or do during the course of this  
3 trial is intended to indicate what your verdict should be.

4 That is your prerogative only, not mine.

5 The evidence from which you will find the facts will  
6 consist of the testimony of witnesses, documents, and other  
7 things received into the record as exhibits.

8 And you may find that the lawyers stipulate to  
9 something. When the lawyers stipulate to something that means  
10 that both sides have agreed that this is a fact. They would  
11 not have to go and present anymore evidence into that. You  
12 must accept it as being a fact.

13 Certain things are not evidence, and I'm going to --  
14 I'm going to give you a list of those at this time.

15 Statements, arguments, and questions by the lawyers  
16 are not evidence.

17 Objections to questions are not evidence. Lawyers  
18 have an obligation to their client to make an objection when  
19 they believe certain evidence being offered is improper under  
20 our rules of evidence.

21 You must not be influenced by the objections or by my  
22 rulings as to the objections.

23 If the objection is sustained, you ignore the  
24 question. If the objection is overruled, then you treat the  
25 question and the answer just like you would any other question

1 and answer.

2 If I instruct you that I am admitting certain evidence  
3 for a limited purpose only, then you must follow that  
4 instruction.

5 Testimony that I may exclude or tell you to disregard  
6 should not be considered by you in arriving at your verdict.

7 Anything you may have seen or heard outside the  
8 courtroom is not evidence. You are limited to the evidence  
9 presented here by both sides.

10 There are two kinds of evidence, direct and  
11 circumstantial.

12 Direct evidence is direct proof of a fact, such as the  
13 testimony of an eyewitness.

14 Circumstantial evidence is proof of facts from which  
15 you may infer or conclude that other facts exist.

16 I will give you further instructions on these as well  
17 as other matters at the end of the case.

18 But bear in mind that you may consider both direct and  
19 circumstantial evidence.

20 It will be up to you to decide which witnesses to  
21 believe, which witnesses not to believe, and how much of any  
22 witness's testimony to accept or to reject.

23 Again, I will give you more instructions on this also,  
24 when the testimony has concluded and before you start your  
25 deliberations.

1           As I've indicated to you, this is a criminal case.  
2       There are three basic rules about a criminal case that you must  
3       bear in mind.

4           First, the Defendant is presumed innocent until proven  
5       guilty.

6           The Indictment against the Defendant, brought by the  
7       Government, is only an accusation, nothing more. It is not  
8       proof of guilt or anything else.

9           The Defendant starts out with a clean slate.

10          Second, the burden of proof is on the Government until  
11       the very end of the case.

12          The Defendant has no burden to prove his innocence or  
13       to present any evidence or to testify.

14          Since the Defendant has a right to remain silent, the  
15       law prohibits you in arriving at your verdict from considering  
16       that the Defendant may not have testified.

17          Third, the Government must prove the defendant's guilt  
18       beyond a reasonable doubt.

19          I'm going to give you further instructions on  
20       reasonable doubt, also, at the end of the testimony.

21          I will also give you detailed instructions on the law  
22       at the end of the case, and those instructions will control  
23       your deliberations and your decision.

24          Ladies and gentlemen, this next part is -- part of the  
25       instructions we didn't need to give several years ago. But now

1 with the Internet and the problems that we're having sometimes  
2 with jurors getting into it, I need to emphasize these are a  
3 very important part of the instructions that I'm giving you.

4 Many times jurors sometimes do something that is  
5 improper, and when it comes out it causes a mistrial. That  
6 means that everything will have to start all over again. We  
7 should try to avoid that, really, if at all possible. So  
8 please listen to these instructions that I'm going to give you.

9 During the course of the trial do not speak with  
10 anyone, any witnesses or with the Defendant or with any of the  
11 lawyers in this case. Please do not talk to them about any  
12 subject at all.

13 You may be unaware of the identity of everyone  
14 connected with this case; therefore, in order to avoid even the  
15 appearance of impropriety, do not engage in any conversation  
16 with anyone in or about the courtroom or courthouse. It is  
17 best that you remain in the jury room during the breaks --  
18 during the breaks that we take during the trial, and do not  
19 linger in the hallway.

20 In addition, during the course of the trial, do not  
21 talk about this trial nor discuss this case among yourselves  
22 until I have instructed you on the law and you have gone to the  
23 jury room to make your decision.

24 Otherwise, without realizing it, you may start forming  
25 opinions before the trial is over. It is important that you

1 wait until all the evidence is received and you have heard any  
2 instructions or rules of law before you deliberate among  
3 yourselves.

4 During the course of the trial you will receive all  
5 the evidence you properly may consider to decide the case. Do  
6 not try to find out information from any source outside the  
7 confines of this courtroom.

8 Do not seek or receive any outside information on your  
9 own which you think might be helpful. Do not engage in any  
10 outside reading about this case or the law involved.

11 Do not attempt to visit any places mentioned in this  
12 case, whether in person or via maps or online resources such as  
13 Google Earth.

14 You must not read about it in any publications or  
15 watch or listen to television or radio reports of what is  
16 happening here.

17 Do not use the Internet or form any -- or any other  
18 form of electronic communication to obtain or provide  
19 information to an otherwise -- or whether a phone -- whether by  
20 any means, whether by phone, computer, or any other device.

21 This includes but is not limited to the use of  
22 websites and search engines such as Google or Yahoo! or other  
23 online resources or publications for the use of sending or  
24 receiving information on the case.

25 Do not attempt to learn from the parties, the

1 witnesses, the lawyers, or the Judge -- do not attempt to learn  
2 about the parties, the witnesses, the lawyers, or the Judge.

3 Do not send or receive e-mails or text messages  
4 relating to this case or your involvement.

5 Do not read or post information on Facebook or any  
6 other blog or social networking site such as Twitter or  
7 Myspace.

8 The reason for these rules, as I am certain you will  
9 understand, is that your decision in this case must be made  
10 solely on the evidence presented here in the courtroom.

11 We're going to break up for lunch. Counsel will do  
12 the opening statements after lunch.

13 Ladies and gentlemen, we're going to break up for  
14 lunch for an hour and 15. You'll be on your own.

15 The officer is going to take you to the jury room.  
16 You will return there after lunch. If you come back early,  
17 we'll make sure that you can get in any time. Okay? If you  
18 come back -- but you must be here by 1:15, so we can start with  
19 the opening statements.

20 When we come back, each side is going to be given an  
21 opportunity to make an opening statement. They will outline to  
22 you what they believe the evidence is going to come in and what  
23 the evidence will show.

24 After the opening statements, the Government will  
25 start calling all of its witnesses.

1           When they have called all of their witnesses they will  
2 rest.

3           Then we go to the Defense. The Defense, if they have  
4 witnesses, will call witnesses. When they have presented their  
5 witnesses, they will rest.

6           Then we go back to the Government. We go back to the  
7 Government to see if they have rebuttal witnesses. And if they  
8 do have rebuttal witnesses, the Defense is given an opportunity  
9 to bring in rebuttal witnesses.

10          After you have heard all the evidence, I will give you  
11 the law and the last set of instructions. After that the  
12 attorneys will address you in their closing arguments and then  
13 you will be sent to deliberate.

14          Ladies and gentlemen, please abide by all the  
15 instructions I've given you. Please.

16          We will be recess until 1:15 in the afternoon.

17          (Recess taken; open court; jury present.)

18          THE COURT: Ladies and gentlemen of the jury, I  
19 understand that at least one of you wants to take notes. You  
20 may, if you want to. Okay? You've been provided with pads and  
21 pencils.

22          If you want to take notes it's fine. You may. I need  
23 to give you some special instructions, though.

24          If you do take notes you will not share them with  
25 anybody, and you leave them here in the evening when you go

1 home. They do not leave the courthouse. They do not leave the  
2 jury room. And if you do use notes, I will give you further  
3 instructions at the end of the testimony.

4 Ms. Kanof, you have 15 minutes.

5 MS. KANOF: Thank you, Your Honor.

6 May it please the Court, Counsel for the Defense,  
7 Co-counsel, ladies and gentlemen of the jury.

8 OPENING STATEMENT

9 BY MS. KANOF:

10 The Judge has given me 15 minutes for what's known as  
11 opening statement. And it's called statement for a purpose,  
12 because there's no evidence before you, so there's nothing to  
13 argue.

14 And I do want to remind you, because I think it's very  
15 important, that nothing that I say is evidence. The purpose of  
16 opening statement is merely to give you a little roadmap of  
17 what the Government expects the evidence to be.

18 And I say expects, and I mean expects. Because in my  
19 experience you really never know what's going to come from the  
20 witness stand. Nervous witnesses, people forget. There's all  
21 kinds of things that can happen in a trial. But only the  
22 exhibits and the testimony under oath that comes from the  
23 witness stand that the Judge has allowed is evidence.

24 And of course Defense Counsel and the Government have  
25 an obligation to represent their clients, and they'll argue



1 that evidence to you in closing.

2 Thank you on behalf of myself and my co-counsel, the  
3 team, for making it through jury selection. And I say that  
4 because you saw it's fairly easy to get out of jury duty.

5 The Defendant is relying on you. We're relying on  
6 you. We rely on its community service jurors to listen to the  
7 evidence and make a fair decision.

8 So I'm going to tell you just give you a little  
9 roadmap of what the Government expects to put into evidence.

10 The Defendant, Marco Delgado, is an attorney -- was an  
11 attorney. And he lived a very privileged life. He had a lot  
12 of money, he spent a lot of money. He had a great education,  
13 he came from a family that was very educated.

14 On September 5th of 2007, a man by the name of  
15 Sheriff's Officer David Elliott was patrolling I-10 out in  
16 Carroll County, Georgia, right outside of Atlanta. And he's  
17 going to tell you that Atlanta, Georgia, is the biggest hub for  
18 drugs and money laundering in the United States. Drugs flow  
19 into Atlanta before they are distributed to the east coast, and  
20 then they are distributed, and they flow out of Atlanta. And  
21 money flows back into Atlanta and then to, usually, Mexico or  
22 other foreign countries, depending on where the individuals who  
23 own the drugs are residing.

24 He saw a vehicle on its way out of Atlanta on I-10  
25 going towards Texas. And he is very experienced, and he

1 immediately thought there was something wrong.

2 First of all, the driver wasn't really staying in the  
3 lanes, appeared nervous. And second of all, it had Mexican  
4 plates, license plates. It was a Jeep.

5 He stopped the car. And you're going to see -- I  
6 won't tell you too much about it because you're actually going  
7 to see a video. Police officers, a lot of them, have cameras  
8 on the hoods of their cars and it did capture this.

9 It's a very long tape. We won't play all of it, but  
10 the Judge has admitted it into evidence. And if you want to,  
11 when you go back to deliberations, you're free to play all of  
12 it.

13 You will see that a young man by the name of Victor  
14 Pimentel was driving that vehicle by himself. Victor Pimentel  
15 was a UTEP student who had been befriended by Mr. Delgado a few  
16 years earlier, and they had become friends. And I think you'll  
17 hear from Mr. Pimentel how that occurred.

18 But basically, through a period of about six or eight  
19 months, Mr. Delgado had engaged Mr. Pimentel -- who, by the way  
20 is from Mexico City and still has family there -- to help him  
21 with some people in Mexico.

22 Several years ago, or years before this happened,  
23 Mr. Delgado met a woman by the name of Lilian de la Concha.  
24 Lilian de la Concha is the ex-wife of Vicente Fox, the former  
25 president of the Republic of Mexico. And he engaged in a

1 relationship with her and they decided to do business together,  
2 and over and over had meetings with friends of hers in Mexico  
3 City, many of which Victor was a part of.

4 But you will not have to rely just on Victor's  
5 testimony, because they exchanged a lot of e-mails. And those  
6 e-mails will be provided to you through the witness stand and  
7 through the judge's admission of that evidence between Victor  
8 and Mr. Delgado.

9 So when Victor is stopped he's quite nervous. And the  
10 officer has him get out of the car. And eventually, of course,  
11 they bring a drug-sniffing dog. It hits on two duffel bags in  
12 the back.

13 But there weren't drugs in the duffel bags, there was  
14 a million -- just a little under a million dollars in cash in  
15 1s, 5s, and 20s, shrinkwrapped by a FoodSaver. And they were  
16 in -- contained in red duffel bags. You'll see photos.

17 And Victor explained and waved a document and said,  
18 you know, this is why I have the money (indicating).

19 The document will also come into evidence. It is a  
20 fraudulent lawsuit settlement that was created by the Defendant  
21 Delgado, at the instruction of the individuals in Mexico, to  
22 explain the source of the money should he be caught. And in  
23 this false settlement document it said that Victor Pimentel,  
24 who was a college student at UTEP, was the lawyer that had  
25 participated in this \$1,058,000 settlement.

1           The -- Victor immediately cooperates with the  
2     Government. He explains everything that had happened. And  
3     eventually, the money is flown back to El Paso and Victor  
4     becomes -- assists the Government by enticing Mr. Delgado into  
5     receiving the money.

6           He's wearing a wire. It's kind of hard to hear what  
7     he's saying on the wire. But again, that's photographed.

8           When they get to El Paso, DPS is engaged to assist in  
9     a traffic stop, and that traffic stop occurs on the west side  
10    of town.

11          It's a legitimate traffic stop. He'll explain how  
12    they have to have the reason to stop before they can even stop  
13    someone, but they knew about it.

14          Victor was driving the vehicle, but he was working for  
15    the Government at that time. He was assisting.

16          And when the vehicle was stopped, both of them got out  
17    of the car.

18          Now since Victor was assisting, he was separated. And  
19    Mr. Delgado told his story to the DPS officers that the money  
20    was not his, that it was Victor's, who was a friend, that  
21    Victor was taking him to the airport -- and he did have clothes  
22    in the back of the car, but they weren't going in the direction  
23    of the airport. They were about to go under the I-10 overpass  
24    on Mesa going onto Country Club on the way to the Santa Teresa  
25    Port of Entry to meet the other individuals from Mexico City.

1           Eventually, Mr. Delgado was taken into custody, and he  
2           also decides to cooperate with the United States Government.

3           He tells -- not only did Victor fly back to El Paso  
4           from Atlanta, but what happened was the officer called Homeland  
5           Security, the ICE agents in Atlanta, because they work together  
6           in a money laundering and drug transporting task force,  
7           especially in Atlanta, and so the agents from Atlanta came as  
8           well.

9           And Mr. Delgado told Agent Justice, who was an agent  
10          out of the Atlanta, the story. He talked about meeting de la  
11          Concha. He talked about these meetings.

12          Now, he left out the fact that Victor Pimentel was  
13          with him at most of the meetings.

14          He said that the first time he met, de la Concha said  
15          she had some business friends, and he went to this office of an  
16          individual who was named Paco, Francisco Fernandez.

17          And de la Concha was sitting with Paco on one side.  
18          And another individual by the name of Pete, who is Pedro  
19          Mendoza Meneses, was there as well.

20          And Mr. Meneses said, I have some very important  
21          clients that need a delicate issue handled, and they want- --  
22          he wanted to talk about Mr. Delgado, since he was an attorney,  
23          somehow helping them prevent these people from being  
24          extradited.

25          Mr. Delgado told ICE Agent Justice that he looked up

1 the names of the people that were provided, the clients, and  
2 they were all -- some of them were on the Treasury Department  
3 Kingpin's drug -- Kingpin's Designation List on the Internet,  
4 and he was correct about that.

5 He told them that they met several times. And since  
6 Mr. Pimentel was there, he'll tell you about the specifics and  
7 so will the e-mails. And that on the fourth meeting they  
8 discussed money laundering. They discussed something called a  
9 mirror operation.

10 The intent was to do a million dollar test to see if  
11 it would work, but they talked about laundering \$600 million.  
12 They paid for Mr. Delgado's ticket to that meeting and agreed  
13 to pay him 5 percent of whatever he could launder.

14 The next day he met with -- or one more meeting  
15 occurred, and it was actually in the airport in Mexico City,  
16 where another individual, kind of a tough-looking individual  
17 named Chuy, met them at the airport, and they insisted on  
18 seeing everybody's identification documents. He made copies of  
19 them and told them he was sending people to shadow the  
20 operation.

21 After the Atlanta stop, Mr. Delgado had introduced an  
22 individual by the name of Alex Ascencio as an undercover.  
23 Mr. Ascencio is also an ICE agent that was from Atlanta, and  
24 he's certified undercover. And he was going to be introduced  
25 into the organization, because what they were really interested

1 in was the drug trafficking organization, and so they didn't  
2 arrest Mr. Delgado.

3 Mr. Ascencio did have some meetings and some phone  
4 calls, and they led nowhere. Switch to 2008.

5 One of the e-mails, by the way -- a lot of the  
6 e-mails, by the way, are in code, and they're with de la  
7 Concha.

8 For example, at one point she talks about Mr. Delgado  
9 needing to hurry because there were no longer 300 boxes of Girl  
10 Scout cookies in the warehouse, there were 500, and that they  
11 could get 5 to each school a week. And some of the code talk  
12 is pretty obvious like that, but they use all kinds of terms  
13 like iron and construction.

14 In 2008, now -- now, even though Victor had trusted  
15 Delgado, they had become like older brother and younger  
16 brother -- he had even lived with him for a while when he was  
17 going to school.

18 In 2008, Mr. Delgado calls Victor again and says, I'm  
19 working with ICE -- which, by the way, was not true. I'm  
20 working with ICE. Will you go Chicago and pick up \$100,000?

21 Victor becomes very concerned. He doesn't believe him  
22 and he calls ICE. So Victor does go to Chicago, but he goes to  
23 Chicago wired and with the assistance of Chicago ICE agents.

24 And it does happen, and you will hear the phone calls.  
25 We have e-mails. We have a lot of phone calls that were --

1 that were taped. You'll hear the phone calls between  
2 Mr. Delgado and others, including Victor, and the panic that  
3 they have because the individual who dropped \$50,000 at a mall  
4 for Victor to pick up got arrested immediately after he sped  
5 away, because he was in a stolen truck. And they're very  
6 suspicious, and you'll hear the suspicious nature.

7 Everything is in Spanish, but we've provided English  
8 translations simultaneous to the Spanish if anybody really  
9 needs that.

10 In the Chicago incident, he gives his attorney IOLTA  
11 account ultimately for Victor to deposit the money in in  
12 El Paso, and he keeps it and spends it. And he admits that.

13 On December 3 of 2008, agents -- Victor, actually --  
14 calls ICE and says, I've talked to Ms. de la Concha and there's  
15 a threat on Mr. Delgado's life.

16 So they call Mr. Delgado in, because they're  
17 obligated -- if there's a credible threat on somebody's life,  
18 even if they're a Defendant, even if they're investigating  
19 them, the Government is obligated to tell them about it.

20 THE COURT: You have three minutes.

21 MS. KANOF: Thank you, Your Honor.

22 And he, this time, talks to Gabe Aguirre, an El Paso  
23 ICE agent. He first denies knowing about the Chicago deal,  
24 then admits it. He admits he put the 45- -- or he had Victor  
25 put the \$4,500 in his account. And he says that, contrary to



1 what he told Victor, he was doing it without the knowledge of  
2 ICE.

3 Ultimately, ladies and gentlemen, later on Mr. Delgado  
4 is arrested. And when he's arrested Josh Fry, the ICE agent  
5 that's here at counsel table, interviewed him. And by this  
6 time Delgado had made about four different statements to law  
7 enforcement in which he admitted engaging in this conduct.

8 And Mr. Fry goes through every one of those statements  
9 that had been developed at the time, and Mr. Delgado admitted  
10 each and every one of them.

11 In the very end, though, he told Mr. Fry, I didn't  
12 want to believe it was drug money because I didn't want to  
13 think of myself as a member of a drug cartel.

14 Ladies and gentlemen, we know that it takes a lot of  
15 your time and that you-all have other things that are pressing  
16 in your lives. But we appreciate your time, and we will try to  
17 go through the evidence as quickly as we can but as fairly as  
18 we can, not leaving anything important out.

19 Thank you, Your Honor.

20 MR. VELARDE: May it please the Court, Counsel,  
21 Mr. Esper, Mr. Delgado.

22 OPENING STATEMENT

23 BY MR. VELARDE:

24 Ladies and gentlemen, I, too, would like to thank you  
25 personally on behalf of Mr. Delgado and Mr. Esper for this

1 precious time that you're giving us to be able to help us find  
2 our way out of this.

3           Whatever Ms. Kanof has told you, whatever I tell you,  
4 is not evidence. She made a note of that, and I concur with  
5 that.

6           So I'm going to take it one step further. I'm going  
7 to invite you to please keep an open mind and commit to nothing  
8 until all the evidence is in.

9           Notwithstanding the fact that it's not our burden to  
10 put on any evidence, we don't have the burden of production  
11 either. Mr. Delgado can decide to sit there at counsel table  
12 and not even testify. And you've already been told about that  
13 right.

14           But notwithstanding all of that, I anticipate the  
15 evidence will show that in the year 1995 Mr. Delgado initiated  
16 his career as an attorney here in El Paso following his  
17 graduation from Texas Tech Law School, and he went on to work  
18 for a very prominent law firm by the name of Delgado, Acosta,  
19 Braden & Jones. The first two years he was an associate, and  
20 then the last eight years he was a partner.

21           During the time that he was at Delgado Acosta, he  
22 became rather fluent in international law and energy law. And  
23 then in the year 2005, he decided to venture out on his own.

24           In the course of his business which he had developed  
25 at Delgado Acosta, that business took him to Mexico City. And

1 there in Mexico City he met the wife of Vicente Fox, the  
2 ex-wi- -- who subsequently became the ex-wife of Vicente Fox.

3 He became romantically involved with her. And during  
4 the course of this courtship Ms. de la Concha took it upon  
5 herself to promote Mr. Delgado as an attorney, not only for the  
6 Secretary of Ministry, so that he would represent the Mexican  
7 Government in Washington, D.C., but she also promoted him with  
8 a lot of business types including, but not limited to, one of  
9 Mexico's most prominent labor leaders, Nareo Vargas.

10 And it was during the course of these contacts with  
11 these business types, political figures and labor leaders, that  
12 many subjects came up:

13 How can you represent us? Can you represent us?

14 Well, Mr. Vargas, Nareo Vargas, was the one gentleman  
15 that broached the subject of this inheritance that was  
16 sitting -- that was waiting to be picked up in Atlanta,  
17 Georgia.

18 At no time did either Nareo Vargas; at no time did  
19 Lilian de la Concha; at no time did Chuy, Francisco Fernandez;  
20 Pedro Mendoza Meneses -- at no time, ladies and gentlemen --  
21 the evidence is going to show at no time was the subject of  
22 drug money ever touched upon with Mr. Delgado.

23 Victor Pimentel, who has also been talked about --  
24 Victor Pimentel was, indeed, a friend of Marco Delgado.  
25 Mr. Delgado met Victor Pimentel through Nareo Vargas.

1           Now bear in mind that Nareo Vargas is the president of  
2 the second-largest labor union in Mexico. And so what happens  
3 is that Mr. Victor Pimentel goes to pick up the money in  
4 Atlanta.

5           When Victor Pimentel gets stopped, Victor Pimentel  
6 doesn't tell the trooper that this is drug money. As a matter  
7 of fact when that trooper stopped Victor Pimentel, he stopped  
8 him on a traffic violation. He didn't stop him because he had  
9 been prompted by ICE or any other law enforcement entity, Stop  
10 that vehicle because it's loaded with drug money. That's not  
11 the case.

12           So up until that point Victor Pimentel doesn't know  
13 it's drug money. The officers don't know it's drug money. But  
14 he did agree to cooperate. Cooperate.

15           And the next thing that happens is that Victor  
16 Pimentel, with the agents in tow, they come to El Paso. And he  
17 goes -- as directed, he goes to Marco Delgado's house.

18           Following the stop in Atlanta and all the way up until  
19 the time he comes to El Paso, Victor Pimentel is being coached  
20 by these agents. You do this, you do that.

21           Well, the instructions were, You go to Marco  
22 Delgado's, and he did.

23           And you're going to see a video. You're going to see  
24 a video that Victor Pimentel took of Mr. Delgado, where  
25 Mr. Delgado, indeed, gets into the vehicle.

1           Now again, the vehicle was followed from the point  
2 where he picks up Mr. Delgado and he gets stopped later on down  
3 the road. He gets stopped on Mesa across the street, right  
4 there in front of Chase. That's where he gets stopped.

5           When they stop him Mr. Delgado says, We're going to  
6 the bank to deposit this money.

7           You're also going to see in that video that there's  
8 talk, Yeah, we're going to the bank.

9           But the money never gets to the bank because they get  
10 stopped. Mr. Delgado gets arrested, and then he's subsequently  
11 released. But he agrees to cooperate.

12           With the instructions of these agents from Atlanta  
13 Mr. Delgado, indeed, sets up telephone conferences with  
14 Mr. Ascencio, the undercover agent, and different people in  
15 Mexico, to include Lilian de la Concha.

16           You're going to hear these tapes. And in those tapes  
17 you're never going to hear that this money belongs to any drug  
18 cartel.

19           In theses tapes you're never going to hear that  
20 this -- that these are drug proceeds.

21           As a matter of fact, you're not going to hear that  
22 these are proceeds of any specified unlawful activity.

23           There is talk about the money. Can you help us,  
24 Mr. Rafa Solis -- that's Mr. Ascencio's alias.

25           Mr. Solis, can you help us get that money back?

1 Well, the long and short after many, many phone calls,  
2 nothing happens.

3 Subsequent to that, there is now a meeting in McAllen  
4 where two of these people actually come from Mexico to meet  
5 with Mr. Ascencio. And again, there's discussion about the  
6 money. Again, never was there any talk about this money being  
7 drug money.

8 The money, ladies and gentlemen, was never recovered  
9 by the -- by the owners of the money. Yes, there was another  
10 incident 10 months later, in July of 2008. And the evidence is  
11 going to show that Victor Pimentel, indeed, went to go pick up  
12 the money.

13 And there was extensive talk between Victor Pimentel  
14 and Mr. Delgado. Again, you're never going to hear that these  
15 are proceeds of any unspecified illegal activity.

16 You're never going to hear that this money represents  
17 drug proceeds.

18 This money, as a matter of fact, represented money  
19 that belonged to a contractor that Lilian de la Concha had  
20 talked to Mr. Delgado about picking up for her.

21 Yes, Mr. Delgado has been debriefed. But at no time  
22 has Mr. Delgado ever admitted that these were drug proceeds.

23 Mr. Delgado is being charged with conspiracy to commit  
24 money laundering. And the only way you can convict him is if  
25 you can -- you determine beyond a reasonable doubt that he knew

1 that these were unlawful drug proceeds.

2 And again I remind you, the most objective evidence is  
3 the evidence that was talked about in those tape recordings,  
4 the evidence that occurred simultaneously without any coaching.  
5 At no time was there any discussion about that.

6 For those reasons, ladies and gentlemen, I'm going to  
7 ask you now, at the conclusion of this trial, the only just  
8 verdict is a verdict of not guilty.

9 Thank you very much.

10 THE COURT: How many Government witnesses are here,  
11 Ms. Kanof?

12 MS. KANOF: I'm sorry, Your Honor -- approximately  
13 ten.

14 THE COURT: How many?

15 MS. KANOF: Ten.

16 THE COURT: Bring them all in. Is the Rule being  
17 invoked?

18 MS. KANOF: They're not all here. Some of them are  
19 here, some of them aren't.

20 THE COURT: Okay. Who is here?

21 MS. KANOF: I know that David Elliott is here. I  
22 don't know if -- is Victor here yet?

23 We don't know who all is here, Your Honor.

24 THE COURT: Bring them in. Whoever is here bring them  
25 in. We'll swear them in.

1 Who's going to be your first witness?

2 MS. KANOF: The first witness is David Elliott.

3 THE COURT: Is the Rule being invoked, Counsel?

4 MR. ESPER: Yes, Your Honor.

5 MS. KANOF: With the exception of Special Agent Fry,  
6 Your Honor.

7 THE COURT: Yes. He's exempt from the Rule.

8 Come on up here. I am informed that you will be  
9 witnesses in this trial. We're going to swear you in at this  
10 time. Okay?

11 And also, the Rule has been invoked. You probably  
12 know what it is. You've probably been through this before, but  
13 I need to put it on the record. It means that you cannot  
14 discuss this case with anyone. That means anyone who is a  
15 witness, anyone who is going to testify or who has testified,  
16 anyone. Except you are at liberty to discuss this case with  
17 the attorneys for the Government and the attorneys for the  
18 Defense if you so wish.

19 The clerk is going swear all three of you in.

20 (Witnesses duly sworn; all answered, "I do.")

21 THE COURT: You are exempt from the Rule, Agent Fry.

22 Mr. Elliott?

23 THE WITNESS: Yes, sir.

24 THE COURT: Take a seat up here.

25 You may wait outside.



1 THE WITNESS: Yes, sir.

2 THE COURT: I forgot to put on the record, what's the  
3 other gentleman's name?

4 What's your name, sir?

5 THE WITNESS: Mark Martinez.

6 THE COURT: And Agent Fry?

7 THE WITNESS: Yes, sir.

8 THE COURT: And Agent Elliott have been sworn in.  
9 You may be excused.

10 THE WITNESS: Thank you, Your Honor.

11 DAVID ELLIOTT, GOVERNMENT'S WITNESS, SWORN

12 DIRECT EXAMINATION

13 BY MS. ARREOLA:

14 Q. Please state your name for the record, sir.

15 A. Deputy David Elliott, E-L-L-I-O-T-T.

16 Q. Deputy Elliott, how are you employed?

17 A. I'm employed currently with the Carroll County Sheriff's  
18 Office in Georgia -- in the state of Georgia.

19 Q. How long have you been employed with the Carroll County  
20 Sheriff's Office?

21 A. Since 2002.

22 Q. Now, you just mentioned that Carroll County is in Georgia.  
23 For those who aren't familiar with Georgia, can you give us a  
24 rough description of where it is?

25 A. It's -- Carroll County, Georgia, is just west of -- it's

1 actually considered metro Atlanta, and it's just west of the  
2 city of Atlanta approximately 30 miles or so, give or take.

3 Q. With the Carroll County Sheriff's Office, are you assigned  
4 to any particular unit?

5 A. I'm a canine handler with the interstate crime unit.

6 Q. How long have you been a canine handler with the interstate  
7 crime unit?

8 A. Since 2002.

9 Q. What are your duties as a deputy with that unit?

10 A. We work exclusively on the interstates. We work the I-20  
11 corridor west of Atlanta and we work the I-85 corridor south of  
12 Atlanta in Meriwether County.

13 Our duties include traffic enforcement, stopping to  
14 help somebody change a tire, to criminal interdiction.

15 Q. What is criminal interdiction?

16 A. Atlanta -- Atlanta is a major hub for narcotics  
17 trafficking, and narcotics are brought from the southwest  
18 border by way of I-20 and I-85, which are two major pipelines,  
19 and brought into the Atlanta area. And then those illegal  
20 narcotics are redistributed to the rest of the country because  
21 of where it's centrally located, and then the proceeds are then  
22 packaged back and smuggled back towards the southwest border.

23 And we attempt to target people who smuggle illegal  
24 drugs, weapons, and money.

25 Q. When you say you target those people, what do you mean by

1 that?

2 A. We -- we just look for bad people. We -- through my  
3 training and experience, what we do is we basically sit on the  
4 interstate and we face traffic. And as traffic is going by us,  
5 we're sitting like this (indicating), and we observe people's  
6 behaviors, is the best way that we target people who are doing  
7 something bad.

8 For instance, if I see somebody who drives past me and  
9 they have their hands like this (indicating) and they're  
10 looking like this (indicating), well, that's a clue that  
11 perhaps there's some other criminal activity going on besides  
12 maybe they were just speeding five minutes ago.

13 And it could be that. In and of itself that means  
14 nothing, but those are the indicators that we look for.

15 We look for source state, destination state, southwest  
16 border tags coming out of the Atlanta area. We look at that.

17 We look at how people react to our presence, whether  
18 they're -- and we stay out in the open. We don't hide. You  
19 could see -- you could see my patrol car from half a mile away  
20 in both directions. If you're going 70 miles an hour and I  
21 have you going 70 miles an hour, and then by the time you get  
22 close to me you're going 45 miles an hour, that, too, could be  
23 another indicator. As well as failing to maintain your lane,  
24 following too close to other vehicles.

25 All of those in and of themselves, although they're a

1 traffic offense, are also an indicator that something else may  
2 be going on, and that's what we target.

3 Q. You mention I-20 and I-85. Do you mean Interstate 20 and  
4 Interstate 85?

5 A. Yes, ma'am.

6 Q. I'd like to show you what's been marked for identification  
7 as Government's Exhibit 100.

8 MS. ARREOLA: Your Honor, this is a demonstrative  
9 exhibit we're not asking to admit into evidence.

10 BY MS. ARREOLA:

11 Q. Could you take a look at Exhibit 100 on your screen, sir?  
12 Can you tell me if you recognize it?

13 A. I do. It's a map of metro Atlanta.

14 MS. ARREOLA: Your Honor, the Government asks that the  
15 jury be allowed to view this exhibit.

16 MR. VELARDE: No objection.

17 THE COURT: The jurors may view the exhibit.

18 BY MS. ARREOLA:

19 Q. Can you briefly describe for the jury what we're looking  
20 at, sir?

21 A. This is -- this is a map of the metro Atlanta area. You  
22 have downtown in the center, which is downtown Atlanta, and  
23 then all of the other interstates that come -- come into and  
24 out of the Atlanta area.

25 Our responsibility is Interstate 85 down in here

1 (indicating) south of Atlanta, and west of Atlanta on  
2 Interstate 20.

3 MS. ARREOLA: Your Honor, may the record reflect that  
4 the witness has highlighted Interstate 20 and Interstate 85 on  
5 this exhibit?

6 THE COURT: The record will so reflect.

7 BY MS. ARREOLA:

8 Q. Deputy, I would like to direct your attention to  
9 September 5th, 2007.

10 A. Yes, ma'am.

11 Q. Did you conduct a traffic stop on that day that led to the  
12 seizure of money?

13 A. Yes, ma'am, I did.

14 Q. Please briefly describe for the jury what led to that  
15 traffic stop.

16 A. I was -- I was sitting stationary on I-20 observing the  
17 westbound lanes of travel. I observed a silver smaller  
18 crossover SUV pass me.

19 The windows were pretty dark, and I couldn't see into  
20 the back windows. I could see -- I could see a person in the  
21 front -- in the front driver's seat, and he had had hands at  
22 ten and two. And when the vehicle went by me, I noticed the  
23 back windows were too dark for Georgia law, and I noticed that  
24 his rear tag, one side of it was hanging down and it was  
25 really, really dirty.

1           And at first -- it actually looks like a South  
2       Carolina tag, and that's what I thought it was.

3           And I pulled -- I immediately pulled out, and I wanted  
4       to get a better look at the driver and the vehicle.

5           And when I approached -- when I approached the car, I  
6       always do this as common practice. I look at the driver. I  
7       look to make sure that they're wearing a seatbelt. If there's  
8       any other passengers, especially children -- and the reason why  
9       I do that is if somebody attempted to run and they had children  
10      in their car I wouldn't chase them. And I do that with  
11      everybody before I initiate a traffic stop.

12          And I then initiated the traffic stop.

13       Q.   What was the basis for the traffic stop?

14       A.   When I -- as I was catching up to the vehicle, I noticed  
15      that the vehicle started failing to maintain its lane. And it  
16      would -- it would cross the center line.

17          And on the interstate in this area it's two lanes one  
18      way in both directions. And he crossed the center line and  
19      then come back over into the -- and crossed the fog line, which  
20      is the solid white line on the interstate, and did that several  
21      times before I initiated my traffic stop.

22       Q.   Just to be clear for the record, this was on I-20, which  
23      runs east-west?

24       A.   Yes, ma'am.

25       Q.   Was the patrol car that you were in equipped with any sort

1 of recording equipment?

2 A. Yes, ma'am, an in-board camera system.

3 Q. Can you describe that for the jury? Where is it located?

4 What does it do?

5 A. It -- it videos everything that happens. And it's not just  
6 video, it's audio. It's equipped with audio as well. So it  
7 will -- it shows the entire traffic stop. It shows everything  
8 that we do when we're working. We video all of our traffic  
9 stops, and all of our patrol units are equipped with that type  
10 of camera system.

11 Q. Was that camera on your patrol car working that day?

12 A. Yes, ma'am.

13 Q. I would like you to take a look at what has already been  
14 admitted into evidence as Government's Exhibit 35 in front of  
15 you, sir.

16 A. Yes, ma'am.

17 Q. Do you recognize that CD?

18 A. Yes, ma'am, I do.

19 Q. What is it?

20 A. It's a copy of the CD that -- from -- from that stop from  
21 that day. And -- and I recognize it because it's got my  
22 initials on it and the date.

23 Q. Does it contain the recording of the traffic stop?

24 A. Yes, ma'am, it does.

25 Q. And no additions or deletions have been made to it?

1 A. No, ma'am.

2 MS. ARREOLA: Your Honor, the Government requests  
3 permission to play a portion of the tape.

4 THE COURT: You may.

5 MS. ARREOLA: For the record, I'm going to play the  
6 first minute and 10 seconds.

7 (Video played.)

8 BY MS. ARREOLA:

9 Q. Officer -- Deputy, in the video that we just saw, who is  
10 the uniformed individual who approached the vehicle?

11 A. That's me.

12 Q. When you approached the vehicle, how many people were  
13 inside it?

14 A. The driver.

15 Q. Did he identify himself?

16 A. He did.

17 Q. As?

18 A. Victor Pimentel.

19 MS. ARREOLA: Your Honor, may I continue to play?

20 THE COURT: You may.

21 MS. ARREOLA: For the record, I'm going to continue to  
22 play until the 4-minute 10-second mark.

23 (Video played.)

24 BY MS. ARREOLA:

25 Q. Deputy, can you describe for the jury what just happened?



1 As you can tell, the audio was a bit difficult to discern at  
2 parts.

3 A. Would you like me to start from the vehicle?

4 Q. Yes -- pardon, sir?

5 A. From when I was talking to Mr. Pimentel?

6 Q. Yes, sir.

7 A. Okay. I had asked, as I do everyone, for his driver's  
8 license, proof of insurance.

9 He had his driver's license in his hand, but he was  
10 fumbling through paperwork. And he started -- just out of the  
11 blue started talking about his two-month-old daughter that he  
12 had just had and actually opened up his cell phone and showed  
13 me a picture of her.

14 That was another indicator to me. In my training and  
15 experience, when somebody tries to over-personalize and -- I  
16 mean immediately, before he ever even handed me his driver's  
17 license, that tells me that something else is going on.

18 And it's happened to me before. And in all of those  
19 types of cases where somebody tries to over-personalize that  
20 way, I've made seizures. And I felt like there was -- there  
21 was a crime beyond the initial traffic stop that was occurring.

22 And I received the paperwork. He had handed me his  
23 driver's license. And when he did, his hand was literally  
24 shaking.

25 And as you see in the video, I talk to everybody very

1 cordial, very professional, and I try to -- I try to get people  
2 to -- to be comfortable talking to me, even though they just  
3 got stopped by the police, because I get nervous when I get  
4 stopped by the police as well.

5 But -- and his level of nervousness just continued to  
6 stay very, very high.

7 Q. Deputy, what, if anything, did do as a result of your  
8 suspicions?

9 A. I walked back to my patrol car. I called my partner and  
10 told him what my suspicions were and asked him to meet up here.

11 And I -- I ran Mr. Pimentel through -- through a  
12 database called EPIC.

13 Q. What does EPIC stand for?

14 A. El Paso Intelligence Center.

15 Q. Who is your partner that you called?

16 A. Corporal Chad Sheriff.

17 Q. After you called for your partner what, if anything,  
18 happened in the next few minutes?

19 A. My partner showed up pretty quick and actually walked up  
20 and started talking to Mr. Pimentel while I was still on the  
21 phone with EPIC.

22 MS. ARREOLA: Your Honor, there's a bit of time -- a  
23 few minutes where the deputy is waiting for his partner to  
24 arrive. Would it be okay if I fast-forward through those  
25 minutes.

1 THE COURT: You may.

2 MS. ARREOLA: For the record, I'm going to start at  
3 the 6-minute 20-second mark.

4 (Video played.)

5 BY MS. ARREOLA:

6 Q. We just played approximately 10 seconds, up until the  
7 6-minute 30-second mark.

8 Deputy, who is the other uniformed gentleman who just  
9 appeared in the video?

10 A. That's my partner, Chad Sheriff.

11 Q. After Corporal Sheriff had a conversation with the driver,  
12 what, if anything, happened next?

13 A. After -- after the conversation?

14 Q. Yes, sir.

15 A. As I was finishing up with EPIC, I observed Corporal  
16 Sheriff wave to me like that, like in a hurry (indicating), to  
17 get out of the car and come up there.

18 And he had -- he had told me that during this  
19 conversation that he had --

20 MR. VELARDE: Your Honor, I'm going to object to him  
21 testifying to any hearsay.

22 THE COURT: I'll sustain the objection.

23 MS. ARREOLA: Your Honor, may I play a portion of the  
24 video starting at the 8-minute 20-second mark?

25 THE COURT: You may.

1 (Video played.)

2 BY MS. ARREOLA:

3 Q. For the record, we just made it from the 8-minute 20-second  
4 to the 8-minute 50-second mark.

5 Deputy, can you explain to the jury what happened in  
6 the video we just saw?

7 A. Corporal Sheriff motioned me out of car. I got out of the  
8 car.

9 He asked Mr. Pimentel to exit the car because he had  
10 already told him that he had a million dollars in two red  
11 duffel bags in the back.

12 This was the second time that he had asked for consent  
13 to search the car, which was granted by Mr. Pimentel prior to  
14 Corporal Sheriff opening the back of that hatchback.

15 MS. ARREOLA: We're now going to play from the  
16 8-minute 50-second mark to the 9-minute 40-second mark.

17 (Video played.)

18 BY MS. ARREOLA:

19 Q. Deputy, can you explain to the jury what we just saw?

20 A. We looked into the -- Corporal Sheriff looked in the red  
21 duffel bags as I kept on eye on Mr. Pimentel and, indeed,  
22 confirmed large quantities of U.S. currency vacuum-sealed in  
23 those two duffel bags.

24 And I immediately placed handcuffs on Mr. Pimentel for  
25 officer safety and for his safety and read him his *Miranda*

1 warnings.

2 Q. We're going to continue to play up until the 10-minute  
3 10-second mark.

4 (Video played.)

5 BY MS. ARREOLA:

6 Q. Deputy, can you explain to the jury what we just saw?

7 A. Mr. Pimentel kept offering some settlement paperwork as  
8 justification for -- for the large amount of U.S. currency he  
9 had in his vehicle.

10 And Corporal Sheriff went up to the passenger side and  
11 retrieved that paperwork so we could have a better look at it.

12 MS. ARREOLA: We are now going to continue to play up  
13 until the 12-minute mark.

14 (Video played.)

15 BY MS. ARREOLA:

16 Q. Deputy, can you explain to the jury what we just saw?

17 A. That's one of the duffel bags that I retrieved from the  
18 back of his vehicle, placed it on the hood of my patrol car,  
19 and then pulled all the bundles out and showed them to the  
20 camera and stacked them up on the top of my patrol car.

21 And there was a -- there was another duffel bag, red  
22 in color, with his -- was also full the same way, packaged the  
23 same, with bundles of U.S. currency.

24 Q. Deputy, how was that U.S. currency packaged?

25 A. It was heat-sealed in FoodSaver bags. And in between the

1 bundles were fabric softener sheets, dryer sheets.

2 Q. Deputy, you testified earlier that you've been a deputy  
3 since 2002.

4 In your experience, have you previously been involved  
5 in seizures of drug money?

6 A. Yes.

7 Q. Approximately how many?

8 A. 100, at least.

9 Q. And have you received training on how drug money is  
10 packaged?

11 A. Yes.

12 Q. Was the money that you seized on September 5th, that we  
13 just saw in this video, packaged in a manner that's consistent  
14 with the way in which you've seen other drug money packaged?

15 A. Yes, ma'am.

16 Q. Can you explain that?

17 A. Drug money is usually packaged in -- in FoodSaver bags.  
18 They'll suck out the air in the FoodSaver bags and package them  
19 that way and put dryer sheets in between them.

20 And I've seen them also wrapped in black or gray duct  
21 tape with -- with masking agents such as dryer sheets, axle  
22 grease, mustard.

23 And usually, if they're in -- most of the time with  
24 money, there -- there's markings on them. And you may have saw  
25 that on the video.

1           The way I've seen it, my experience is they're in  
2 sequential order like one, two, three, four, five, six, to  
3 depict how many bundles.

4           Or I've seen them where it has the denomination on it,  
5 and that's the way it is in this case, where some of them had  
6 100 on it or 50 on it. And what that depicts is 100- or  
7 50,000. And they're usually pretty accurate.

8 Q. What is the reason for putting U.S. currency in heat-sealer  
9 bags?

10 A. They -- they want the currency, one, to stay whole. The  
11 masking agents that they use, they think it masks the odor of  
12 narcotic odor, whether it's on money or narcotics, from trained  
13 canines.

14           And when they do heat-sealed bags, they do it so they  
15 come back the same way that they left, meaning they don't get  
16 ripped off. Somebody doesn't cut the bag -- cut into the bag  
17 and take the money out, whether it's -- whether it's somebody  
18 transporting that or somebody who happens on that money. That  
19 money stays whole, and they know that it's been heat-sealed,  
20 and if it's tampered with they know that as well.

21 Q. After you seized the -- or pulled the currency out of the  
22 vehicle, what did you do next, if anything?

23 A. I placed the currency back in the duffel bag that I got it  
24 from and laid it on the ground in front of my patrol car.

25           MS. ARREOLA: Your Honor, the Government requests

1 permission to fast-forward the video.

2 THE COURT: You may.

3 MS. ARREOLA: I'm going to start, for the record, at  
4 the 14-minute 5-second mark and continue up until the 16-minute  
5 mark.

6 (Video played.)

7 BY MS. ARREOLA:

8 Q. For the record, we just played from the 14-minute 5-second  
9 to the 16-minute mark.

10 Deputy, please briefly described for the jury what  
11 happened in the video we just saw.

12 A. We make it common practice, whenever we -- we seize a load  
13 of money or drugs, is we try to get those people to cooperate  
14 with us. And the reason we do that is to further our  
15 investigation, as a good law enforcement officer would.

16 We had asked him to -- if he would cooperate.

17 And he started telling us his story about he was told  
18 to come up to Atlanta and meet a gentleman in a motel and take  
19 possession of the money. And if he was stopped on the way  
20 back, to show them that settlement agreement.

21 And he had told me and my partner that Marco Delgado  
22 told him if he's stopped by police to show them that paperwork  
23 as a justification for that money.

24 Q. Deputy, I'm going to show you what has already been  
25 admitted into evidence as Government's Exhibit 33.



1 Deputy, do you recognize that document?

2 A. Yes, ma'am.

3 Q. What is it?

4 A. That's the front page of that settlement agreement.

5 MS. ARREOLA: Your Honor, the Government requests  
6 permission for this exhibit to be published to the jury.

7 THE COURT: It's been admitted.

8 MS. ARREOLA: Oh, yes, sir.

9 Are they looking at it right now? Oh. Sorry,  
10 Your Honor.

11 BY MS. ARREOLA:

12 Q. Deputy, can you tell from the caption what this settlement  
13 agreement relates to?

14 A. It relates to a settlement by a Texas oil company to a Juan  
15 Hernandez for \$1 million.

16 Q. And if you look at the top of Government's Exhibit 33, does  
17 the court appear to be an El Paso County, Texas, court?

18 A. Yes, ma'am.

19 Q. And if I can direct your attention to paragraph 2 at the  
20 bottom of that page.

21 In this settlement agreement is Texas Oil Corporation  
22 purportedly paying an individual named Hernandez and his  
23 attorney, Victor Pimentel, 1-point -- roughly \$1.5 million?

24 A. Yes, ma'am.

25 Q. I would like to now direct your attention to the last page

1 of Government's Exhibit 33, page 8 -- or excuse me, page 7.

2 Do you see a signature line on page 7 for Victor  
3 Pimentel, attorney for plaintiff?

4 A. I do.

5 Q. Was the copy of the settlement agreement that you saw back  
6 on September 5th, was that copy signed?

7 A. Yes, ma'am, it was.

8 Q. Did you have any conversation with Mr. Pimentel during that  
9 stop about who had signed it?

10 A. My experience, I've seen where somebody will try to justify  
11 money. And -- and I asked him, when I saw his signature under  
12 attorney, I asked him if he was an attorney.

13 And he said, No, I'm not an attorney. That's where he  
14 told me to sign the document as the attorney.

15 Q. When you say "he," who are you referring to?

16 A. Mr. Delgado.

17 Q. After you spoke with Mr. Pimentel about this fake  
18 settlement document, what did you do next, if anything?

19 A. We did a -- my partner, Corporal Sheriff, did a free air  
20 sniff of the outside of the vehicle utilizing his canine,  
21 Rocky.

22 MS. ARREOLA: Your Honor, may I fast-forward to that  
23 portion of the video?

24 THE COURT: You may.

25 MS. ARREOLA: For the record, I'm going to play the

1 37-minute 50-second mark to the 38-minute 50-second mark.

2 (Video played.)

3 BY MS. ARREOLA:

4 Q. What happened in the video we just saw, Deputy?

5 A. Corporal Sheriff did a free air sniff of the exterior of  
6 that car. And his dog indicated positive for the presence of a  
7 narcotic odor on the rear lid of that vehicle by -- by way  
8 of -- by way of scratching.

9 Q. Just to be clear for the record, were the duffel bags  
10 actually inside the trunk of the car at that time?

11 A. We had taken the duffel bags out. And you couldn't see it,  
12 it was off screen. But he also did a free air sniff of those  
13 duffel bags, where the canine, Rocky, indicated positive on  
14 those as well.

15 Q. Deputy, after the seizure, what happened to Mr. Pimentel?

16 A. He -- we allowed him to drive the vehicle and follow us  
17 down to the sheriff's office.

18 On our way down there -- and this other gentleman in  
19 the picture next to -- standing next to me and Mr. Pimentel  
20 is -- is my supervisor, Lieutenant Pope.

21 I contacted him, let him know what we had, that we had  
22 made a money seizure, and also contacted Homeland Security,  
23 ICE, who we have a very good relationship with, and took the  
24 bundles of U.S. currency and the vehicle and Victor down to the  
25 Carroll County Sheriff's Office.

1 Q. Why did your agency call ICE?

2 A. We -- we have a good relationship with ICE. And  
3 Mr. Pimentel indicated that he was willing to cooperate with us  
4 and -- in an attempt to do a controlled delivery to where the  
5 money was ultimately going.

6 Q. What investigative steps, if any, did you and/or ICE and  
7 your agency decide to take?

8 A. We decided -- once we all got together at the sheriff's  
9 office and we felt like Mr. Pimentel was being genuine, he was  
10 being honest with us, collectively we decided that we would  
11 take steps to deliver the money to its ultimate destination,  
12 which was Mr. Delgado, here in El Paso, Texas.

13 Q. What is a controlled delivery?

14 A. You take the money or drugs and you deliver it to where  
15 it's going. And it's considered controlled because we -- we  
16 have control over what happens. We -- and the reason why we do  
17 that is for all of our safety, including -- including  
18 Mr. Pimentel's and Mr. Delgado's safety.

19 Everything is -- is under surveillance, everything is  
20 watched, everything is recorded. And this is -- this is the  
21 way that -- that we continue up the ladder so to speak.

22 Q. Briefly, and -- briefly, what did you do next logistically?

23 A. We boarded a plane the next early afternoon. Myself; my  
24 partner, Corporal Sheriff; a couple of HSI agents; ICE Customs  
25 agents, and we took the money. We flew the money down to

1 El Paso and started to set up a controlled delivery.

2 Q. When you took the money, did you take the exact same money  
3 that we saw in the video today?

4 A. Yes.

5 Q. Did you, in any way, alter the packaging of the money?

6 A. No, we didn't alter the packaging. All we did -- it was so  
7 heavy, those two duffel bags, we actually boarded a plane as a  
8 carry on with all this money.

9 And the way we did it is we took -- we took the two  
10 duffel bags and we -- we took the bundles out and put them into  
11 four smaller duffel bags, and then took those same original two  
12 red duffel bags with us and boarded the plane that way as carry  
13 on.

14 Otherwise, you -- I mean you couldn't carry it any  
15 other way. It's just that heavy.

16 And once we got down here to El Paso we put it back  
17 into the two red duffel bags.

18 Q. But to be clear for the record, you didn't remove the  
19 currency from the heat-sealed FoodSaver bags?

20 A. No.

21 Q. Deputy, you testified earlier about the role of Atlanta as  
22 a hub for illegal drug trafficking.

23 Can you explain to the jury what role, if any, the  
24 particular interstates you patrol, I-20 and I-85, play in drug  
25 trafficking in Atlanta and in the United States?

1 A. I-20 and I-85 are the two major pipelines, two major  
2 pipeline interstates out of the southwest border that actually  
3 come into the city of Atlanta.

4 And usually the way it works is large amounts of  
5 narcotics, illegal narcotics and marijuana, are transported  
6 into the Atlanta area and then are redistributed to the rest of  
7 the country because of -- because of its location.

8 And then that money is transported back towards the --  
9 to the southwest border the same way.

10 Q. What, if anything about Atlanta, has made it become a hub  
11 for this -- what you've described?

12 A. Because of its location. It is -- it is a good stopping  
13 point logistically for the cartels. And it is probably -- it's  
14 probably become, if not the number one hub in the  
15 United States, close -- close to it.

16 And it's just so centrally located for the rest of the  
17 country, instead of driving or transporting all the way to the  
18 border or the border transporting all the way to New York,  
19 Atlanta has become the major hub.

20 And from my training and experience this really all  
21 took place after the '96 Olympics.

22 Q. Deputy, a follow-up question about the way the money was  
23 packaged.

24 You mentioned earlier that it was -- that there were  
25 dryer sheets inserted between the currency. What would be the

1 reason for people involved in illegal drug trafficking to place  
2 dryer sheets in bundles of U.S. currency?

3 A. It's used as a masking agent to mask the odor of illegal  
4 narcotics. I don't -- it's a high percentage. I think it's  
5 88 percent. The U.S. Secret Service says that 88 percent of  
6 all U.S. currency is laced with narcotic odor, so they'll use  
7 masking agents to mask that odor. They think it masks the odor  
8 from the ca- -- from a trained canine, but it really doesn't.

9 MS. ARREOLA: No further questions for this witness,  
10 Your Honor.

11 CROSS-EXAMINATION

12 BY MR. VELARDE:

13 Q. Deputy Elliott, good afternoon.

14 A. Good afternoon, sir.

15 Q. This tape of the traffic stop, how long does it run?

16 A. The whole tape?

17 Q. Yes, sir.

18 A. I'm not sure if -- 40-something minutes, maybe.

19 Q. 40 minutes?

20 So this jury has only seen but a fraction of those 40  
21 minutes; is that correct?

22 A. Yes, sir.

23 Q. And what they've seen, you will agree with me, represents  
24 what you perceive to be the highlights of this traffic stop?

25 A. I think the whole traffic stop is a highlight to me.

1 Q. Very well.

2 Now, you testified at length repeatedly that this was  
3 a traffic stop?

4 A. Yes, sir.

5 Q. Okay. Now let me ask you, just out of an abundance of  
6 caution, were you directed by anybody else to conduct this  
7 traffic stop?

8 A. No, sir.

9 Q. Were you directed by somebody else to pursue this vehicle  
10 for any reason?

11 A. No, sir.

12 Q. So when you stopped the vehicle you had no earthly idea of  
13 what, if anything, was contained inside?

14 A. No, sir.

15 Q. You didn't have any idea?

16 A. No idea.

17 Q. Okay. Now, I saw that you first made contact with Victor  
18 Pimentel.

19 A. Yes, sir.

20 Q. And that contact maybe lasted how long -- how many minutes?

21 A. A few.

22 Q. Okay.

23 A. A couple.

24 Q. He -- he started to tell you where he was going; is that  
25 correct? Did he tell you where he was going?



1 A. Initially?

2 Q. There in that video.

3 A. In the video, yes.

4 Q. Yes. Where was he going?

5 A. To El Paso, Texas.

6 Q. Is that in the video? Because I couldn't pick it up. I  
7 picked up Dallas, but --

8 MS. KANOF: Objection, Your Honor. He -- he's  
9 testifying that he didn't pick it up. It's not relevant and  
10 it's improper. It's not cross-examination.

11 BY MR. VELARDE:

12 Q. Let me ask you this.

13 Is it your testimony that in that video Victor  
14 Pimentel said he was headed back to El Paso?

15 A. Yes, sir.

16 Q. Okay. Now initially, you said he showed you pictures of a  
17 child?

18 A. A picture of his two-month-old daughter --

19 Q. Yes, sir.

20 A. -- on his cell phone.

21 Q. And then papers. Papers? He showed you papers initially?

22 A. He -- he showed me -- prior to him handing me his driver's  
23 license he showed me -- he told me about his two-month-old  
24 daughter and showed me a picture of her on his cell phone.

25 Q. Okay. Let me get to the settlement document that he

1 eventually showed you.

2 A. Yes, sir.

3 Q. You testified that the document that you saw was, in fact,  
4 signed.

5 A. Yes.

6 Q. Okay. Now, they showed you Exhibit Number 33.

7 A. Yes, sir.

8 Q. Correct?

9 A. Yes, sir.

10 Q. They even showed you the last signature page.

11 A. Yes, sir.

12 Q. That exhibit does not bear a signature.

13 A. No, sir, it does not.

14 Q. What happened to that document that you allegedly saw with  
15 a signature on it?

16 A. I -- I don't know.

17 Q. When was the last time you saw a document that was signed?

18 A. That day.

19 Q. Were you the only one that handled that document?

20 A. No, sir.

21 Q. If you recall, who did you turn that document over to?

22 A. Well, my partner handled it, as you saw in the video. And  
23 the document was turned over to the ICE investigator.

24 Q. So the exhibit that's in evidence today is not the same  
25 exhibit that you had --

1 A. No, sir.

2 Q. -- obviously.

3 It's your testimony, though, that Victor Pimentel said  
4 that Marco Delgado made him sign it?

5 A. No, that wasn't my testimony.

6 Q. Okay. Let's go back to the actual question and answer --

7 A. Okay.

8 Q. -- episode regarding this document.

9 Did you ask Victor Pimentel, Whose signature is that?

10 A. Yes.

11 Q. Okay. Did he respond to that question?

12 A. Yes.

13 Q. And what -- that response was?

14 A. His signature.

15 Q. His signature?

16 A. Yes.

17 Q. Did he say anything else besides that?

18 A. He had said that he was told -- Marco had told him to sign  
19 the document and then to present it, if he -- if he was stopped  
20 by police, by law enforcement.

21 Q. That -- those questions and those answers, would those be  
22 borne out by this audio/video that you have been testifying to?

23 A. Yes. I would say -- I would say so, yes.

24 Q. Okay. Can you please find for me in this exhibit,

25 Exhibit 100, where in that exhibit he says --

1 THE COURT: Exhibit 33.

2 MR. VELARDE: Pardon me?

3 THE COURT: Isn't it 33?

4 MR. VELARDE: Is it 33? No, 100 was the map. I  
5 apologize.

6 No, and it wouldn't be 33. That's the document.

7 BY MR. VELARDE:

8 Q. I'm talking about the video. I did not hear -- please  
9 forgive me -- is there any language in there, a portion where  
10 Victor Pimentel says, Marco Delgado made me sign it?

11 A. That wasn't my testimony.

12 Q. Okay. What is your testimony, then, about what he told you  
13 regarding --

14 A. I tes- -- I testified that -- that he -- he told him to  
15 sign it. But he -- he didn't make him sign it. That wasn't my  
16 testimony.

17 Q. Okay. Fine.

18 A. He said, Make -- make sure that you sign it where -- where  
19 your name is as the attorney, and to present that paperwork if  
20 you're stopped by law enforcement. He said police.

21 Q. Okay. Now, my question goes to this.

22 Is that discussion on this video? Have you seen that  
23 discussion on this video?

24 A. You probably can't hear it very well. There's certain --  
25 there are certain parts of the video that -- that I can't -- I

1 can't make out. But that's -- that's how I remember the  
2 conversation going.

3 Q. But you don't -- you can't hear it on the video?

4 A. You may be able to. If you can enhance it, you may be able  
5 to hear it on there. If it can be enhanced or louder, but  
6 it -- it's -- it's been record- -- it's recorded.

7 He says it on the side of the road. And as you see,  
8 the whole thing is recorded.

9 Q. But nevertheless, your testimony -- your testimony is you  
10 cannot hear it on the video?

11 A. I cannot hear it.

12 Q. Okay. You cannot hear it.

13 Now, did you probe as to the origin, the whereabouts  
14 of this document? If it's no longer signed did you bother to  
15 look into where it was?

16 A. No.

17 Q. Did you inform ICE of the fact that the document you saw  
18 was signed and that now it's not?

19 A. Yes. They -- I turned it over to ICE.

20 Q. You turned it over?

21 A. Yes.

22 Q. Okay. Do you know, was that Agent Justice?

23 A. Yes. That night.

24 Q. Special Agent Justice. You turned over that document, the  
25 signed document?

1 A. Yes.

2 Q. Okay. Thank you.

3 Now, on this -- on this recording that you finished  
4 testifying to, you can hear Victor Pimentel saying, I did not  
5 do anything wrong.

6 Would you agree with me?

7 A. I don't -- I don't remember hearing it. If you say so, I  
8 would say yes.

9 Q. Victor did not tell you that the money that was contained  
10 in the duffel bags that he was carrying were drug proceeds?

11 A. No, he didn't tell me that.

12 Q. For that matter, he didn't tell you that the money belonged  
13 to a cartel?

14 A. He did not tell me that.

15 Q. He told you that he had picked up the money at a hotel?

16 A. A motel.

17 Q. At a motel?

18 A. Yes, sir.

19 Q. Did he tell you that he had received a phone call or  
20 anything?

21 A. I don't remember.

22 Q. You don't remember that?

23 A. No, sir.

24 Q. Did you take custody of his cell phone?

25 A. I believe so.

1 Q. I don't want you to guess.

2 A. I -- I don't remember.

3 Q. Okay. And so did Victor continue to debrief or be  
4 interviewed after he went to the station?

5 A. Yes, sir.

6 Q. Were you present during those interviews?

7 A. Bits and pieces. But as a whole, no, sir.

8 Q. Okay. Thank you.

9 Did you prepare a report regarding the events that you  
10 just finished testifying to today?

11 A. Yes, sir.

12 Q. Have you had a chance to look at that report?

13 A. I have.

14 Q. Are there any corrections you want to make to that report  
15 now?

16 A. No, sir.

17 Q. Okay.

18 MR. VELARDE: May I have a minute, Your Honor?

19 THE COURT: You may.

20 BY MR. VELARDE:

21 Q. Were you present when Mr. Pimentel was interviewed by  
22 Special Agents Justice and Blackman?

23 A. No, sir.

24 Q. Okay.

25 MR. VELARDE: I have no further questions, Your Honor.

1 THE COURT: Any redirect, Counsel?

2 MS. ARREOLA: Yes, Your Honor.

3 May I have one moment, Your Honor?

4 THE COURT: You may.

5 MR. ESPER: Your Honor, may we approach?

6 Before we commence the redirect, may we approach  
7 sidebar for just one minute?

8 THE COURT: You may approach.

9 (Bench discussion outside the hearing of the jury.)

10 MR. ESPER: Your Honor, it's always been my  
11 understanding that whatever attorney examines the witness, that  
12 attorney is responsible for lodging an objection.

13 THE COURT: Correct.

14 MR. ESPER: Ms. Kanof lodged some objections. We  
15 didn't call it to the Court's attention, but I think it's only  
16 proper. I know I wanted to object, but I'm not taking this  
17 witness.

18 THE COURT: You're correct. You're correct. The  
19 attorney that's in charge of the witness is the one that does  
20 the objections.

21 MS. KANOF: Okay.

22 THE COURT: Wait a minute.

23 While you're here, I'm returning -- let the record  
24 reflect that I'm returning the passport. I don't think it's of  
25 any value to anybody, quite frankly.



Elliott - Cross by Mr. Velarde

1 MR. VELARDE: Thank you.

2 MS. KANOF: Oh, Your Honor, can I bring up a point?

3 We've had some difficulty in talking to Defense  
4 Counsel about -- like he asked, Did you make a report, and then  
5 he walked up to us and said, You never gave it to us.

6 And that's happened a couple of times during the  
7 preparation for trial.

8 Ms. Arreola showed him his receipt where we did give  
9 it to him. And I'm going to ask before he makes -- and he was  
10 very kind. He was very -- I appreciate Mr. Velarde not saying,  
11 You didn't give it to us in front of -- because it turns out we  
12 did.

13 But since there seems to be some confusion, and maybe  
14 it's just a matter of how it was filed in the Defense about  
15 what we gave and what we didn't give. Because every time he  
16 said we didn't give it to them, we've been able to prove that  
17 we did.

18 But I would ask that he not do it vocally, and we'll  
19 point it out, because I think that would be unfair.

20 THE COURT: All I can tell you is you'd better make  
21 sure damn sure you didn't get it.

22 MS. KANOF: I'm sorry, Your Honor?

23 THE COURT: You'd better be damn sure you didn't get  
24 it.

25 MR. VELARDE: I am sure, Your Honor.

1 THE COURT: Wait a minute.

2 How many questions do you have for this witness? How  
3 long do you anticipate?

4 MS. ARREOLA: About five questions, Your Honor.

5 MS. KANOF: It will be very quickly -- it will be very  
6 quick.

7 THE COURT: We should be talking a break right about  
8 now, but I wanted to get through with this witness. I want to  
9 excuse him.

10 MR. ESPER: The other issue I had, Your Honor, even  
11 though it's been admitted, all we've ever seen is an unsigned  
12 copy of this fraudulent agreement. This witness says he saw a  
13 signed --

14 THE COURT: Well, you made that plain.

15 MR. ESPER: I know. But --

16 MS. KANOF: Really? You want us to say we got the  
17 unsigned copy from the e-mail that Marco Delgado sent --

18 MR. ESPER: Well, I know that's coming in anyway. I'm  
19 just curious about where this signed one is.

20 MS. KANOF: Atlanta did not send it to El Paso. When  
21 we got the file it was not in the file.

22 THE COURT: You can use it for whatever you want to.

23 MR. ESPER: Okay. All right.

24 (End of bench discussion; open court.)

25 THE COURT: You may proceed, Ms. Arreola.

1 MS. ARREOLA: Thank you, Judge.

2 REDIRECT EXAMINATION

3 BY MS. ARREOLA:

4 Q. Deputy, you were asked by Mr. Velarde whether or not a  
5 conversation you recalled was audible on this video.

6 Now, this video was taken on I-20. Is that a busy  
7 interstate?

8 A. Yes, ma'am.

9 Q. And was every word that was exchanged during your  
10 conversation with Mr. Pimentel and the other deputies who were  
11 present, were all of those conversations clearly audible on  
12 this video?

13 A. No, ma'am.

14 Q. In your experience is that unusual, that the camera  
15 equipment won't pick up every single word that is said in front  
16 of the camera on a busy interstate?

17 A. It's common. It's not unusual.

18 Q. Deputy, you also mentioned that you had gone to El Paso as  
19 part of this effort to do a controlled delivery.

20 When you were in El Paso, did you see Mr. Delgado in  
21 person?

22 A. Yes, ma'am.

23 Q. Do you see Mr. Delgado in the courtroom today?

24 A. Yes, ma'am.

25 Q. Can you describe where he is seated and identify an article

1 of clothing that he is wearing?

2 A. He's seated between Defense Counsel and has on a --

3 THE COURT: You've got to get closer to the  
4 microphone. Get closer to the microphone.

5 THE WITNESS: I'm sorry.

6 A. He's seated between Defense Counsel and has a stripped blue  
7 and gray tie on.

8 MS. ARREOLA: Your Honor, may the record reflect that  
9 the witness has identified the Defendant?

10 THE COURT: The record will so reflect.

11 BY MS. ARREOLA:

12 Q. Deputy, you also testified that you've been involved in at  
13 least 100 seizures of drug money during your time as a deputy  
14 with Carroll County Sheriff's Office.

15 Have you ever been involved in a seizure of a large  
16 amount of currency which you later found out was not drug  
17 money?

18 A. No. Never.

19 MS. ARREOLA: No further questions, Your Honor.

20 THE COURT: Mr. Velarde?

21 MR. VELARDE: Nothing further.

22 THE COURT: Very well. I'm going to excuse the  
23 officer, so you'd better ask whatever questions you have.  
24 Unless the Government wants to keep him any longer, I'm going  
25 to excuse him.

1 MS. KANOF: No, Your Honor. We don't want to  
2 sequester him again.

3 THE COURT: Okay. You're free to leave.

4 THE WITNESS: Thank you, Your Honor.

5 THE COURT: Counsel, it's -- we need to take our  
6 afternoon break at this time.

7 We'll be in recess for the next 15 minutes.

8 (Recess taken; open court.)

9 THE COURT: The Government will call its next witness.

10 MS. KANOF: The Government calls Victor  
11 Pimentel-Rojas.

12 THE COURT: He has not been sworn, has he?

13 MS. KANOF: He has not been sworn, Your Honor.

14 (Witness duly sworn.)

15 THE WITNESS: I do.

16 THE COURT: The record will reflect the witness has  
17 been sworn in.

18 You may proceed.

19 MS. KANOF: Thank you, Your Honor.

20 Mr. Pimentel, you might want to -- the exhibit  
21 notebook is in front of you, and we're going to start back in  
22 the beginning, so -- no, no. Just put that aside.

23 You might -- the notebook right there, put it back to  
24 Number 1, because that's where we're going to start.

25 Are you, ready?

VICTOR PIMENTEL ROJAS, GOVERNMENT'S WITNESS, SWORN

DIRECT EXAMINATION

BY MS. KANOF:

Q. State your name for the jury, please.

A. My name?

Q. Yes.

A. Victor Ignacio Pimentel-Rojas.

Q. And, Mr. Rojas, where do you live -- I mean, Mr. Pimentel, where do you live?

A. Tacoma, Washington.

Q. And what are you doing in the state of Washington?

A. I'm a Ph.D. student at Washington State University.

Q. Do you also work for a living?

A. Yes. I teach.

Q. Where do you teach?

A. I teach at the Washington State University.

Q. And what area are you getting your Ph.D. in?

A. Business operation management.

Q. I'm sorry?

A. Business operation management.

Q. Okay. Just make sure you speak into the microphone so everybody can hear you well.

A. Business operation management.

Q. Okay. What other education do you have?

A. I have a bachelor's degree from the University of Texas at

1 El Paso in supply chain -- management, and I'm also getting a  
2 doctoral minor degree in psychology and a doctoral minor degree  
3 in statistics.

4 Q. And before that -- you come from Mexico City, correct?

5 A. Mexico City, yes.

6 Q. Did you have any formal education in Mexico?

7 A. Yes. I went to high school in Mexico, middle school and  
8 elementary school.

9 Q. I'm sorry. What was the last one?

10 A. Elementary school.

11 Q. But did you have any post-high school education?

12 A. I went to the engineering school in Mexico in -- the  
13 national university in Mexico City.

14 Q. And you got a culinary degree; is that correct?

15 A. Yes. I also have a culinary degree from the *Universidad de*  
16 *Anahuac del Sur* in Mexico City.

17 Q. Okay. When you came to the United -- did you -- have you  
18 ever lived in the United States?

19 A. Yes.

20 Q. Okay. When was that?

21 A. When I started attending UTEP in 2004.

22 Q. And did you come here on a student visa?

23 A. Yes.

24 Q. Are you currently on a student visa?

25 A. Yes.

1 Q. And have you always been in the United States legally?

2 A. Yes.

3 Q. When you came to the United States to go to UTEP, do you  
4 remember approximately what year it was?

5 A. 2004.

6 Q. And prior to that, had you met an individual by the name of  
7 Marco Delgado?

8 A. Yes.

9 Q. Is he here in the courtroom?

10 A. Yes.

11 Q. Would you identify him, please, by indicating where he is  
12 sitting?

13 A. He's right there (indicating).

14 Q. And what does -- what has he got on?

15 A. A suit, a tie, a white shirt.

16 Q. Where is his hand?

17 A. Her [sic] mouth and his eye.

18 MS. KANOF: Okay. Let the record reflect that the  
19 witness has identified the Defendant.

20 THE COURT: The record will so reflect.

21 BY MS. KANOF:

22 Q. How did you meet him?

23 A. He was introduced to me by a mutual friend.

24 Q. What was the purpose of introduction?

25 A. At the time we were trying to purchase the rights of Double



1 Dave's Pizzaworks for Mexico.

2 Q. At the time, were you working in your field of food  
3 preparation?

4 A. Yes.

5 Q. What were you doing at the time in the field of food  
6 preparation?

7 A. In Mexico the CFE utility company builds power plants all  
8 around the country.

9 Q. Okay. Just slow down just a little bit. And I apologize.  
10 Your accent is -- sometimes is getting distorted.

11 A. It's also a problem when I teach. Sorry about that.

12 Q. CFE is what you said, correct?

13 A. Yes.

14 Q. And is CFE basically the electric company of the Republic  
15 of Mexico?

16 A. Yes.

17 Q. And did you have a contract with them?

18 A. Yes.

19 Q. For what?

20 A. To operate the restaurants or canteens in the  
21 construction -- while they construct the power plants. Usually  
22 they have between a thousand to five thousand employees 24  
23 hours a day. So it is used to provide the service to them for  
24 food.

25 Q. Okay. The employees in the electrical power plants, were

1 they unionized?

2 A. Yes.

3 Q. Okay. And did you come to the El Paso area, but  
4 specifically to Juárez, to set up one of those cantinas in a  
5 power plant?

6 A. Yes. Samalayuca.

7 Q. The Samalayuca Power Plant is outside of Juarez; is that  
8 correct?

9 A. Correct.

10 Q. And it -- was it during that time that you met Mr. Delgado?

11 A. Yes.

12 Q. Was he an attorney at that time?

13 A. Yes.

14 Q. And was he introduced to you as such?

15 A. Yes.

16 Q. And was it just a casual meeting because you had a common  
17 friend?

18 A. It was supposed to be a business meeting. It was supposed  
19 to be, again, to buy the franchise rights for Mexico for Double  
20 Dave's Pizzaworks.

21 Q. Okay. So did your friend know Mr. Delgado?

22 A. Yes.

23 Q. And the two of them wanted to -- what pizza kind of place?

24 A. Double Dave's. I think that's the name.

25 Q. And because you were in the food business, did your friend

1 ask you to come to a meeting?

2 A. Yes.

3 Q. Where was the meeting?

4 A. It was here in a hotel downtown. I think it was the Camino  
5 Real.

6 Q. And do you remember approximately when that occurred?

7 A. It was November 2002, I think.

8 Q. Okay. And you had basically not been out of culinary  
9 school very long, correct?

10 A. No.

11 Q. It was before you decided to go to UTEP?

12 A. Yes.

13 Q. And at this meeting at the Camino Real, you discussed  
14 franchise -- getting a franchise of Double Dave's Pizza in  
15 El Paso?

16 A. No, for Mexico.

17 Q. Oh, it was for Mexico?

18 A. Yeah. Buying what is the master franchise rights to invest  
19 in Mexico.

20 Q. Okay. And after you met Mr. Delgado at this meeting, when  
21 did you see him next?

22 A. He invited me to ski at his house at that time, in Ruidoso,  
23 New Mexico.

24 Q. He asked you to ski at his house in Ruidoso.

25 So what time of the year was it that you --

1 A. It was Thanksgiving. We went there for Thanksgiving.

2 Q. Okay. You had just met him and he invited you to his home  
3 in Ruidoso for Thanksgiving?

4 A. Yes.

5 Q. Would you -- I guess you guys hit it off?

6 A. We became friends pretty fast. True.

7 Q. Is he quite a bit older than you are?

8 A. Yes.

9 Q. And at the time -- or about how much older is he than you?

10 A. Probably 15, 17. I don't know exactly how old is he. But  
11 yeah, there's at least two digits number between his age and my  
12 age.

13 Q. And did you continue that friendship from the year 2002 --  
14 by the way, did you ever get the Double Dave's franchise in  
15 Mexico?

16 A. No. Never.

17 Q. Did you continue that friendship with Mr. Delgado all the  
18 way through to 2006?

19 A. Yes.

20 Q. And could you please describe to the jury basically what  
21 you did as friends?

22 A. Well, we -- basically, we had a lot of fun. We traveled.  
23 We go to Mexico. We went to a couple of trips in Cuba.

24 We went to New Mexico to ski on several occasions.

25 And at some point I even moved into his house and I start

1 attending UTEP.

2 We became such close friends that, actually, I got the  
3 key to the cabin in Ruidoso so I could use it any time I  
4 wanted.

5 We used each other's cars. We met each other's  
6 girlfriends. We had dinner with our families.

7 Q. When you first met with Mr. Delgado, he was married,  
8 correct?

9 A. Yes.

10 Q. Okay. And at some time he got a divorce?

11 A. Yes.

12 Q. Was it after the divorce that you moved in with him?

13 A. Yes.

14 Q. Okay. And did you pay rent?

15 A. No.

16 Q. How did it come about that you moved in with him?

17 A. I started attending UTEP and Marco offered me his house to  
18 stay there while I was going to school.

19 Q. Okay. That was of financial assistance to you?

20 A. Well, I didn't need the financial assistance at that time.  
21 I was doing good money with the canteens in Mexico.

22 But it was very nice because it was a nice house. And  
23 again, we were very good friends and we had dinner several days  
24 a week. We traveled. We had a lot of fun, and it was --

25 Q. You met his family?

1 A. Yeah.

2 Q. You knew them very well?

3 A. Very, very well.

4 Q. Between 2002 and, let's say June of 2006, did you get  
5 involved in any business dealings with Mr. Delgado?

6 A. No.

7 Q. During that time, did you ever visit his law office?

8 A. Yes.

9 Q. And by the time -- and when you first met him, when you  
10 visited his law office, was he with other lawyers or was he by  
11 himself?

12 A. At his office?

13 Q. Yes.

14 A. We were always the two of us at his office. He just had  
15 the corner office in the Delgado Acosta offices.

16 Q. And at some time did he leave Delgado Acosta and start  
17 Delgado & Associates?

18 A. Yes.

19 Q. Who were the associates?

20 A. There was no associates.

21 Q. He was the only lawyer, then?

22 A. Yes.

23 Q. And was the location of his office on Remcon here in  
24 El Paso?

25 A. Remcon Circle, yes.

1 Q. And so you visited him at his law office sometimes?

2 A. Yes.

3 Q. Okay. Did there come a time -- and you said you traveled  
4 sometimes to Mexico, correct?

5 A. Yes.

6 Q. Did there come a time when you traveled to Mexico for  
7 business instead of for pleasure?

8 A. Yes.

9 Q. When did that occur?

10 A. Through our friendship -- again, we have this friend in  
11 common. He works part of the union in CFE.

12 And Marco used to represent El Paso Electric, so they  
13 have a common interest to make business with electricity and  
14 the exchange of energy between El Paso and Ciudad Juárez.

15 Q. When Mr. Delgado was at Delgado Acosta, he was the attorney  
16 assigned to do legal work for El Paso Electric, correct?

17 A. Yes.

18 Q. And so he met the people at CFE, the electric company in  
19 Mexico?

20 A. Yes.

21 Q. Is it -- when you met Mr. Delgado for the first time, the  
22 individual that you both knew was Mr. Vargas, correct?

23 A. Yes.

24 Q. Okay. And he was part of a labor -- the labor union for  
25 the electric company?

1 A. Yes.

2 Q. When you were traveling on business, did you have business  
3 with the electric company when you would travel with  
4 Mr. Delgado?

5 A. Just the canteens.

6 Q. Just the cantinas?

7 A. Yes.

8 Q. Okay. And did there come a time when you traveled with  
9 Mr. Delgado on business other than electric company business?

10 A. Before or after 2006?

11 Q. Between 2002 and 2006.

12 A. Yes.

13 Q. When was that?

14 A. We went to Mexico for a mediation for Angelica Fuentes, who  
15 was suing the Delgado, Acosta, Braden & Jones law firm.

16 And Marco --

17 Q. Okay. Don't go any further.

18 But -- so there was one business-related time that you  
19 went with him?

20 A. Yes.

21 Q. Other than for the electric company until 2006?

22 A. Yes.

23 Q. And did you and Mr. Delgado communicate with each other  
24 through e-mail?

25 A. Yeah.



1 Q. How many e-mail addresses did he have?

2 A. Two.

3 Q. And was one of those --

4 A. Well, three actually. He has -- the Delgado, Acosta,  
5 Braden & Jones, which disappeared when the law firm  
6 disappeared; the AOL account; and the Delgado & Associates  
7 e-mail account.

8 Q. Okay. So now do you remember about what year he created  
9 Delgado & Associates?

10 A. From 2004 or -5, around there.

11 Q. Okay. And so once 2004 or -5 came, he just had two e-mail  
12 addresses, correct?

13 A. Yes.

14 Q. One was AOL and --

15 MR. ESPER: Excuse me, Your Honor. I'm going to  
16 object to counsel testifying. She should ask the question.

17 THE COURT: I'll sustain the objection.

18 BY MS. KANOF:

19 Q. What were those two accounts?

20 A. AOL and Delgado & Associates.

21 Q. And what did he use the AOL account for, if you know?

22 A. Personal e-mail, jokes, probably sending some -- I don't  
23 know, meetings, where we were going to have dinner, things like  
24 that.

25 Q. Okay. And what did he use the Delgado & Associates account

1 for?

2 A. Business-related e-mails.

3 Q. And did he e-mail you on both of those accounts?

4 A. Yes.

5 Q. Did there come a time around 2000- -- around the middle of  
6 2006 that you accompanied Mr. Delgado to Mexico to meet with a  
7 woman by the name of Lilian de la Concha?

8 A. Yes.

9 Q. Had you met her before?

10 A. No.

11 Q. When was the first time you met her?

12 A. I think we had coffee at a coffeehouse in Polanco, Mexico.  
13 And then we --

14 Q. Polanco is a neighborhood?

15 A. Polanco is a neighborhood, yeah.

16 And then we -- we went to -- there's a hotel in  
17 Polanco that has a terrace on the top floor, and we have  
18 something else there. I don't remember what we had, but we  
19 spent, there, a couple of hours with her.

20 Q. Okay. And was it just the three of you?

21 A. Yes.

22 Q. What was the purpose of that meeting?

23 A. At that time Lilian was a very well-known female in Mexico.

24 Q. Who was she?

25 A. She is the former wife of Vicente Fox, which is the

1 ex-president of Mexico.

2 Q. And when you met her, was she already divorced from Vicente  
3 Fox?

4 A. Yes.

5 Q. And what did you understand her and Mr. Delgado's  
6 relationship to be when you first met her?

7 A. They were business associates and they were very good  
8 friends. And they seemed to start -- just starting a  
9 relationship, a personal relationship.

10 Q. And again, the purpose of that meeting at the terrace at  
11 the hotel in Polanco was?

12 A. Business.

13 Q. What business?

14 A. Marco started doing bad at his business and wanted to --  
15 extra income in Mexico.

16 Q. What do you mean he was doing bad in his business? What  
17 business was he in that he was doing bad?

18 A. Well, after the Delgado Acosta law firm close, he start  
19 struggling with money.

20 And then when he met this lady in Mexico, he just  
21 tried to use her contacts in Mexico to get contracts or  
22 businesses in Mexico.

23 Q. When you met her for the first time, was that Mr. Vargas  
24 there?

25 A. No.

1 Q. And what business did you discuss on that first occasion?

2 A. It was several business. We discuss -- well, they discuss.  
3 I didn't talk too much in that conversation.

4 Marco told me then that he -- that he could represent  
5 Mexico and the -- in the consulate here in Washington, that he  
6 could be the representative of Pemex, which is the oil company,  
7 utility company in Mexico, here in the U.S.

8 He also offered his financial services to her to move  
9 money from point A to point B.

10 Q. What do you mean his financial services? You knew him as  
11 an attorney, correct?

12 A. Yes.

13 Q. Did he do financial services for people as an attorney?

14 A. I never saw him doing that.

15 Q. Okay. And so what -- he said he could move money. Is that  
16 what you said?

17 A. Yes.

18 Q. What did you take him to mean?

19 A. Money laundering.

20 Q. Why did you think that?

21 A. It was pretty clear during the conversation that that was  
22 the purpose of the movement of the money.

23 Q. And what did -- did Ms. de la Concha have clients or why  
24 was he telling her this?

25 A. Well, again, Marco and I both, we were living a pretty high

1 life, which -- to travel and spend a lot of money. And then  
2 when business started going back --

3 Q. Well, whose money were you spending?

4 A. I was spending my own money and he was spending his own  
5 money.

6 Q. And your money was earned from cantinas?

7 A. Yes.

8 Q. And his money was earned how?

9 A. It was my understanding that -- from his law practice.

10 Q. Okay. Go ahead.

11 A. And then when that money stopped getting in, he tried to  
12 continue to live the same life. But obviously, there's a point  
13 where there's no money left.

14 So he thought that he could offer his services to do  
15 money laundering in Mexico so he could -- we could still be  
16 living that lifestyle.

17 Q. Okay. Did he discuss that with you before you went to  
18 Mexico to meet with Ms. de la Concha?

19 A. Yes.

20 Q. And where was that discussion?

21 A. Well, we had several. One that I remember, we were at his  
22 house. Again, we used to live together, so it was pretty  
23 common that I was either doing homework or watching TV, and we  
24 used to watch The Simpsons. That was our thing together. I  
25 think it was every Tuesday. And we used to talk --

1 Q. About stuff?

2 A. -- about everything. Yeah, everything.

3 Q. What were you studying at UTEP?

4 A. Business.

5 Q. And when -- when you were at his house as a student at  
6 UTEP, did he support you otherwise, or you could support  
7 yourself from the cantinas?

8 A. No, I could support myself.

9 Q. So when was it that he discussed the money laundering  
10 business with you?

11 A. Everything start with he -- when we start -- the first, I  
12 guess, money laundering conversation that we had was with  
13 Angelica Fuentes.

14 Q. Okay. And of course the Court has made a ruling we're not  
15 going to talk about the Angelica Fuentes situation.

16 But then when was the next time?

17 MR. ESPER: Your Honor, could the Court instruct the  
18 witness to slow down a little bit?

19 THE COURT: Okay.

20 MR. ESPER: It's hard to understand.

21 THE COURT: Okay. Wait until she finishes the  
22 question, okay --

23 THE WITNESS: I'm sorry.

24 THE COURT: -- before you respond.

25 And you wait until he finishes the answer before

1     you --

2                 MS. KANOF: I will try, Your Honor.

3     BY MS. KANOF:

4     Q. Okay. After -- you made one discussion that you've  
5     referred to.

6                 And then what was the next discussion?

7     A. Marco, again, I -- I'm not clear when he start having this  
8     type of conversations with Lilian.

9                 But it was clear when he -- one time he came back from  
10     a trip from Mexico, he started discussing that we -- if we  
11     could do that, how was my feeling about doing it. That it was  
12     pretty simple, that he knew people, that he knew how to move  
13     money from point A to point B. That he knew people in Iceland,  
14     in the Caribbean, that could help us during the movement.

15                That he knew people in -- how do you call the exchange  
16     rate houses in Mexico, where you can buy and sell money there,  
17     that could help us to put the money in the system and things  
18     like that.

19     Q. Okay. And did he ever discuss with you how he would  
20     launder money?

21     A. Yes.

22     Q. What did he say?

23     A. At the beginning, he told me that we're going to pick up  
24     the money in cash, and maybe we could use -- we could use  
25     several schemes. Either we could send them the money to Turks

1 and Caicos Islands, he had a friend there. Actually, once I  
2 went to the Turks and Caicos Islands to meet this friend.

3 Or we could use casinos, that he knew people in  
4 casinos here in the United States that could be used to put the  
5 money into the system.

6 Q. Okay. Let's talk about the -- you said briefly that you  
7 went to the Turks and Caicos.

8 Did Mr. Delgado have a bank account in the Turks and  
9 Caicos Islands?

10 A. I think -- yes.

11 Q. Was it his account or were there other individuals whose  
12 account he was using?

13 A. To my knowledge, it was other individuals. And actually,  
14 when I went to the Turks and Caicos Island we set up an LLC, or  
15 we start the paperwork to start an LLC to -- an LLC to move  
16 money from the account from that company to different places in  
17 the world.

18 Q. Okay. You said -- when was it that you went to the Turks  
19 and Caicos?

20 A. It was 2006 -- it's in my passport, the seal is there.

21 Q. Okay. Was the trip that you took to the Turks and Caicos,  
22 you just decided you were going to go?

23 A. No. Marco send me to meet this lawyer.

24 Q. Did he go with you?

25 A. No.



1 Q. And you met somebody?

2 A. Yes.

3 Q. What was his name?

4 A. Big John.

5 Q. Big John?

6 A. Yes.

7 Q. Do you know Big John's last name?

8 A. No.

9 Q. Okay. And when you returned from the Turks and Caicos,  
10 what did you tell Marco that you had done?

11 A. Well, actually, we -- when I was in the Turks and Caicos  
12 Islands, we had a conference call.

13 Big John -- actually, Big John's wife was right next  
14 to him. I was there. Marco was on the other line in the  
15 States. I'm assuming we called his cell phone.

16 Q. So in this conference call while you were there with Big  
17 John, what was discussed?

18 A. It was discussed that we were going to open this LLC  
19 account. That -- I provided Big John with my passport, and he  
20 made photocopies out of my passport. And he told me that I was  
21 going to be the only one that could access that account with  
22 that passport, and we were going to use it to move money.

23 Q. Did that ever happen?

24 A. No.

25 Q. Okay. Why the Turks and Caicos?

1 A. It was explained to me by Marco Delgado that Turks and  
2 Caicos is an island that belongs technically to the United  
3 Kingdom, so the U.S. didn't have any authority to go there and  
4 ask for accounts, information, and things like that.

5 Q. Okay. And -- but that never happened. Your name never  
6 went on an account?

7 A. That never happened. Yes.

8 Q. Okay. And in the process of developing this money  
9 laundering situation, or money laundering business, did you  
10 ever learn what the source of the money was?

11 A. Yes.

12 Q. When was that?

13 A. I don't remember the exact date that I first heard of it.  
14 But we -- we had a meeting in Mexico in the Camino Real Hotel  
15 there, in a restaurant called Le Cirque. And we were on that  
16 meeting, and Marco told me that this guy was the financial head  
17 of one of the biggest cartels in Mexico.

18 Q. Did he tell you the name of the cartel?

19 A. Not at that moment. Later.

20 Q. Okay. Well, later, when he did tell you, what was the name  
21 of the cartel?

22 A. The *Milenio* cartel.

23 Q. I'm sorry?

24 A. The *Milenio* cartel.

25 Q. *The Milenio* cartel?

1 A. Yes.

2 Q. Do you remember when the first time after the meeting on  
3 the terrace with Lilian de la Concha -- by the way, do you  
4 remember when that occurred, approximately?

5 A. It was around the World Cup. It was the 2006 World Cup.

6 Q. The World Cup. What's the World Cup, please?

7 A. It's the international soccer championship. And I remember  
8 this because this hotel set up a lot of screens.

9 When you walk into the restaurant area they just have  
10 the games there. So I remember that Germany was playing. I  
11 don't know why I remember that detail, but it was pretty clear.

12 Q. But your memory is good, right?

13 A. Yes.

14 Q. And so it was the World Cup competition and Germany was  
15 playing.

16 A. Yes.

17 Q. And have you gone -- you told -- years ago, in 2007, you  
18 told this to ICE agents, correct?

19 A. Yes.

20 Q. And did they go back and try to find out, or you helped him  
21 try to find out when Germany was playing in the World Cup in  
22 Mexico City that it would have been?

23 A. Yeah.

24 Q. And approximately when it was?

25 A. It was the summer. I don't remember the month. I'm sorry

1 about that. I just don't remember.

2 Q. But the summer of what year?

3 A. 2006.

4 Q. 2006.

5 When you started going to Mexico with him was there --  
6 did there come a time when you met with people other than  
7 Lilian de la Concha?

8 A. Yes.

9 Q. And when did that occur?

10 A. It was either at the end of 2006 and the beginning of 2007.  
11 And through all that process, starting in the summer, we start  
12 meeting with a lot of people in Mexico City.

13 Q. Okay. And when you -- was there meetings that he went to  
14 that you did not accompany him?

15 A. Yes.

16 Q. And were there meetings that you went to that he was not  
17 at?

18 A. Yes.

19 Q. Okay. And how was it determined who would go to a meeting?

20 A. It was pretty random. If I was in Mexico City, because my  
21 whole family is in Mexico City, I was there. He would ask me  
22 to go.

23 If he was in Mexico or he wanted to go to Mexico, he  
24 would think that the meeting was important enough he would go,  
25 especially if somebody would ask Marco's presence, Marco would

1 go.

2 Q. Okay. Did you ever meet an individual that is referred to  
3 repeatedly as Paco?

4 A. Yes.

5 Q. Who is Paco?

6 A. Paco was introduced to me by Marco and Lilian.

7 Q. Do you know what his real name is or what his full name  
8 was?

9 A. Francisco. I don't remember the last name. I mean, it's  
10 in the e-mails.

11 Q. Okay. But Paco is a nickname for Francisco, right?

12 A. Yes.

13 Q. Where did you meet him?

14 A. In Mexico City.

15 Q. But physically, was it in a restaurant?

16 A. A restaurant. We usually would meet in restaurants.

17 Q. Do you remember when that was?

18 A. It was in late 2006, early 2007.

19 Q. And what was the purpose of that meeting?

20 A. Again, we discussed -- Marco asked him to find clients to  
21 move money. So --

22 Q. By the way, was a Mr. Vargas ever at any of these meetings?

23 A. Never.

24 Q. And so you would discuss clients. Well, who had clients?

25 A. Either Lilian or friends of Lilian.

1 Q. And what was the purpose of developing these clients?

2 A. Start moving money from the U.S. to Mexico and Colombia.

3 Q. Were these clients builders? Were they construction  
4 companies?

5 A. No.

6 Q. Were they ironworks companies?

7 A. No.

8 Q. Were the Girl Scouts one of his clients?

9 A. No.

10 Q. I'm going to draw your attention to Government's Exhibit  
11 Number 1, which has already been admitted into evidence by the  
12 Court.

13 If you can take a look at it, and if -- I think you  
14 said you forgot your glasses; is that right?

15 A. Yes.

16 Q. Are you going to be able to --

17 A. To look at it on the screen, yes.

18 Q. Okay.

19 MS. KANOF: Government's Exhibit Number 1, Your Honor,  
20 may we publish it to the jury?

21 THE COURT: You may.

22 BY MS. KANOF

23 Q. This -- let me go back and talk about how we got these  
24 e-mails.

25 When you were arrested in Atlanta, you immediately

1 began to cooperate, correct?

2 A. Yes.

3 Q. And did you, along -- in the many different conversations  
4 you had with Homeland Security/ICE, did you tell them that you  
5 exchanged e-mails?

6 A. Yes.

7 Q. And did they ask you to provide e-mails between you and  
8 Mr. Delgado?

9 A. Yes.

10 Q. And was that beginning in 2007 and 2008?

11 A. Yes.

12 Q. And then recently, when I came on this case, did I ask you  
13 if you still had those e-mails?

14 A. Yes.

15 Q. And did I ask you to produce all of them to the Government  
16 in case we had missed any?

17 A. Yes.

18 Q. And did you do that?

19 A. Yes.

20 Q. You had retained them?

21 A. Yes.

22 Q. Where had you retained them?

23 A. In my e-mail account.

24 Q. I'm sorry?

25 A. In my e-mail account.

1 Q. And what is your e-mail address?

2 A. It's victor8590@gmail.com.

3 Q. On Government's Exhibit Number 1, is that the e-mail  
4 address that Mr. Delgado was writing to you from?

5 A. Yes.

6 Q. And let me ask you this.

7 Did you talk in the e-mails in code?

8 A. Sometimes, yes.

9 Q. Okay. Did you ever sit down and discuss a specific code  
10 you were going to use?

11 A. No.

12 Q. All right. And with regard to the meeting of Paco, did you  
13 also meet somebody named Pedro?

14 A. Yes.

15 Q. And was that Pedro Mendoza Meneses?

16 A. Yes.

17 Q. When did you meet him?

18 A. I met Pedro -- or Peter, I used to call him -- on the  
19 Camino Real Hotel in the meeting that we all had there.

20 Q. Okay. When was the meeting at the Camino Real Hotel?

21 A. It was early 2007.

22 Q. You're talking about in Mexico City, correct?

23 A. Yes.

24 Q. And when -- who was there at that meeting?

25 A. It was Paco, it was Lilian, it was Marco, it was me, my



1 cousin, and I think that was it.

2 Q. Sometimes you took your cousin with you?

3 A. Yes.

4 Q. Why?

5 A. He used to work with me on the canteens, and he was like my  
6 right hand, my best friend, and we --

7 Q. Younger than you?

8 A. We were about the same age.

9 Q. Okay. And so basically, it was comfortable for you to have  
10 him with you?

11 A. Yeah. We grew up together.

12 Q. At this particular meeting what was discussed? And you  
13 said end of 2006, beginning of 2007?

14 A. Yes.

15 Q. Was money laundering discussed?

16 A. Yes.

17 Q. Okay. Could you tell us who said what about it?

18 A. Well, again, Marco was pretty much offering his services.  
19 It was pretty much like a presentation or portfolio. It was  
20 like a business presentation of the different type of things  
21 that he could do, money -- to move money in different ways,  
22 different types, different destinations, different pickup  
23 locations, and things like that.

24 Q. Okay. And had you reviewed that paper before?

25 A. No.

1 Q. No? So this was the first time you saw it?

2 A. Yes.

3 Q. And do you remember any of the different ways he talked  
4 about being able to move money?

5 A. Yeah. Through casinos, bank accounts, LLCs.

6 Q. Did he use something called a mirror --

7 A. The mirror operation, yes.

8 Q. Yes? What was that?

9 A. We didn't call it a mirror operation. I learned that term  
10 after the fact.

11 Q. Okay.

12 A. You do the -- what they called simultaneous delivery. So  
13 you pick up the money here in the States, which is point A, and  
14 you deliver that money either in Mexico or some other country  
15 in the world.

16 At the same time that you're picking up the money, you  
17 have somebody else in point B delivering the same amount of  
18 money. So it was like a built-in trust type of operation.

19 Q. Do legitimate construction companies use mirror imaging for  
20 getting money from place to place?

21 A. No.

22 Q. Okay. And you're from Mexico, correct?

23 A. Yes.

24 Q. And do you have friends in Mexico that are legitimate  
25 business individuals?

1 A. Yes.

2 Q. And -- and are you familiar with business in Mexico?

3 A. Yes.

4 Q. Okay. Is it common that a construction company would pick  
5 up a million dollars of 1s, 5s, and 20s and have it transmitted  
6 in a car from Atlanta, Georgia, to Mexico?

7 A. You don't need it. You can make a bank transfer to do  
8 that.

9 Q. Okay. With regard to Government's Exhibit Number 1, what's  
10 the date?

11 A. It's June 17, 2006.

12 Q. And who is this e-mail from?

13 A. Marco Delgado.

14 Q. And who is it to?

15 A. Me.

16 Q. And what is it about?

17 A. Can I read it for a second and then...

18 Q. Before you read it, let me ask you something.

19 You're obviously fluent in Spanish, correct?

20 A. Yes.

21 Q. And did we provide -- the Government provide these e-mails  
22 back to you with the translations that had been done by ICE to  
23 check to make sure that they reflected the nature of the  
24 conversation?

25 A. Yes.

1 Q. And the ones you've reviewed, Government's Exhibits 1  
2 through 32, which are the e-mails in this case, correct?

3 A. Yes.

4 Q. And is the English translation a fair and accurate  
5 reflection of what's being said in Spanish based on your  
6 knowledge of the individuals and of the language?

7 A. Yes.

8 Q. Okay. With regard to the first one, yes, go ahead and read  
9 it in English, please.

10 A. "Our friend is going to call Paco to see about the dinner  
11 tonight so that she can tell Paco that I'm already back and I  
12 will not be attending, and of Paul. So she can tell him to  
13 call Ulises" -- it's in Spanish after that -- "de la Serna  
14 directly. He already has the money. A hug."

15 Q. Okay. The female friend is who?

16 A. Lilian.

17 Q. And who is Paco?

18 A. It's Lilian's friend.

19 Q. Okay. Is this e-mail actually about two different things?

20 A. Yes.

21 Q. Okay. What are the two different things it's about?

22 A. At the top it's the money laundering. At the bottom is  
23 business referring to CFE.

24 Q. Okay. And what kind of business did you and Delgado have  
25 with CFE at the time?

1 A. Well, it was not me and Delgado. It was just Marco. He  
2 was trying -- okay. Something happened.

3 Q. I'm sorry?

4 A. Something happened to my screen. It just went --

5 Q. Oh, no, I made it smaller because I was going to go to the  
6 next one.

7 Do you need it bigger again?

8 A. No, it's fine.

9 Q. Okay.

10 A. He -- since I met Marco, he's been trying to develop this  
11 interconnection between El Paso and Ciudad Juárez to create  
12 just one system between two cities electronically --  
13 electricity-wise so they could freely exchange energy from one  
14 side to another depending on the needs of each other's side.

15 For example, if El Paso Electric has excess of  
16 capacity, they can sell that to the system in Juárez without  
17 having to do too much trouble. They're just sort of  
18 interconnected, so there's a free movement of electricity from  
19 one side to another.

20 Q. Okay.

21 A. So that was what Marco was trying to do.

22 Q. And Ulises de la Serna?

23 A. Uh-huh. Ulises de la Serna.

24 Q. Who is that?

25 A. He used to work for CFE.

1 Q. Okay. And that's who Delgado was dealing with in trying to  
2 get this exchange of electricity; is that correct?

3 A. Yes.

4 Q. Did that ever happen?

5 A. No.

6 Q. Okay. And the other part of the e-mail calling Paco. Did  
7 Paco have anything to do with CFE?

8 A. No.

9 Q. Okay. The other part of the e-mail that Lilian is going to  
10 call Paco to see about the dinner tonight so that she can tell  
11 Paco that I'm ready, back, and will not be attending.

12 What's that about?

13 I closed it out. That's me.

14 What was that about?

15 A. That Marco was going to -- told Paco that he was -- well,  
16 Lilian was going to call Paco to tell her [sic] that he was not  
17 going to be at the dinner because he already was back in  
18 El Paso.

19 Q. Okay. And the next -- Government's Exhibit Number 2, if  
20 you can turn to that.

21 A. Uh-huh.

22 Q. I'm going to make it smaller. Don't freak out.

23 Government's Exhibit Number 2. Do you recognize it?

24 A. Yes.

25 Q. And does it actually begin a couple of pages down?

1 A. Yes.

2 Q. Okay. Generally an e-mail, when you read e-mail  
3 communication, you start at the bottom, correct?

4 A. Yes.

5 Q. Because the most recent communication is at the top --

6 A. Yes.

7 Q. -- is that correct?

8 Government's Exhibit Number 2, the original -- the  
9 person who started this communication, was that you?

10 A. No, Marco.

11 Q. Okay. Let me get down there.

12 And what was the date?

13 A. Wednesday, June 21, 2006.

14 Q. And what was the message about?

15 A. Her mom and -- his mom and his aunt were going to travel to  
16 Mexico, and he wanted me to see if I could pick them up or have  
17 somebody pick them up to take them to the house that they have  
18 outside of Mexico City in Texcoco.

19 Q. So he called upon you to pick up his family to take them to  
20 their home in Mexico City, correct?

21 A. Yes.

22 Q. And that's really -- there's nothing illegal about that?

23 A. Nothing illegal about that.

24 Q. Okay. But it -- does it show your friendship?

25 A. I -- if you trust me with your mom, I would assume that.

1 Q. He completely trusted you; is that correct?

2 A. Yes.

3 Q. Okay.

4 MS. KANOF: Oh. I'm hearing that the large screen is  
5 not working, Your Honor.

6 Oh. I haven't published it yet. I'm sorry.

7 Your Honor, I would like to publish Government's  
8 Exhibit Number 2, which the Court has already admitted.

9 THE COURT: You may.

10 MS. KANOF: Sorry about that.

11 BY MS. KANOF:

12 Q. And the second e-mail -- basically, most of Government's  
13 Exhibit Number 2 is talking about picking up his family until  
14 the last one, correct?

15 MR. ESPER: Excuse me, Your Honor. Counsel is  
16 testifying.

17 THE COURT: I'll sustain the objection.

18 BY MS. KANOF:

19 Q. Okay. The last e-mail, which is at the top of Government's  
20 Exhibit Number 2, who is that from?

21 A. Marco Delgado.

22 Q. And who is it to?

23 A. To me.

24 Q. Okay. And what does it say?

25 A. That they want another meeting.



1 Q. Who is "they"?

2 A. The people -- the cartel. Because if we go down to the  
3 previous e-mail, the one at 1624, I say, It's okay. Perfect.  
4 Just let me know what time -- or what time --

5 Q. Is that referring to his family?

6 A. Yeah.

7 And then the next line is, "By the way, anything from  
8 your friend?"

9 And obviously, "my friend," I was talking about  
10 Lilian, and I was asking about the money laundering.

11 Q. And again in the translations, we put whether the friend is  
12 a male or a female.

13 A. Yes.

14 Q. Because in Spanish the word is specific --

15 A. Yeah, there's a difference.

16 Q. -- to gender.

17 And what was Delgado's response to you?

18 A. That they want another meeting.

19 Q. And who is "they"?

20 A. The cartel people.

21 Q. Please look at Government's Exhibit Number 3.

22 MS. KANOF: And we ask that it be published to the  
23 jury, Your Honor, as admitted.

24 THE COURT: You may publish.

25

1 BY MS. KANOF:

2 Q. Okay. Government's Exhibit Number 3. What is that,  
3 Mr. Pimentel?

4 A. It's an e-mail from Marco to me.

5 Q. And the date?

6 A. July 3rd, 2006.

7 Q. And is it at 4:07 a.m.?

8 A. Yes.

9 Q. And what is he telling you?

10 A. That there's going to be a meeting. That the meeting is  
11 going to be in Guadalajara, Mexico. That it's super confirmed,  
12 and he mentioned *Viva Fox*.

13 Q. Okay. So who is Gomez Morin?

14 A. Gomez Morin is an old politician in Mexico. It's related  
15 to the party that, at the time, was the power in Mexico, the  
16 PAN.

17 Q. And what was the purpose of this meeting in Guadalajara?

18 A. To talk about that with the cartel.

19 Q. Okay. And did you at some point learn where the center of  
20 the *Milenio* cartel was?

21 A. Guadalajara.

22 Q. In Guadalajara?

23 A. Yes.

24 Q. I'm going to go to Government's Exhibit Number 4.

25 MS. KANOF: Your Honor, may we publish to the jury?

1 THE COURT: If it's been admitted --

2 MS. KANOF: Okay.

3 THE COURT: -- unless there's an objection, you may  
4 publish.

5 MS. KANOF: Okay. Thank you, Your Honor.

6 BY MS. KANOF:

7 Q. What is the date of the string of e-mails in Government's  
8 Exhibit Number 4?

9 A. It's an e-mail from Lilian to Marco that he forwarded to  
10 me.

11 Q. Okay. And it's from Lilian to Marco?

12 A. Yes.

13 Q. How do you know that?

14 A. Because the language that they use.

15 Q. Was it common that he would forward Lilian's e-mails to  
16 you?

17 A. Yeah.

18 Q. What was the purpose of that?

19 A. Well, since Marco wanted me to help him with the money  
20 laundering, he'd keep me updated of the negotiates and how  
21 things were developing.

22 Q. Okay. And the e-mails were about business, primarily; is  
23 that correct?

24 A. Primarily, yes.

25 Q. Government's Exhibit Number 4 is dated what?

1 A. Is what? Excuse me?

2 Q. What is the date on Government's Exhibit Number 4?

3 A. It is August 16th, 2006.

4 Q. And is that an e-mail that was forwarded to you by Marco  
5 Delgado?

6 A. Yes.

7 Q. Could you read it please?

8 A. "I'm asking that we focus as much as possible. The  
9 potential is great, love. In relationship to the cookies that  
10 you will look to see if you can place for the Girl Scouts, they  
11 tell me that hopefully you can help them in the schools to  
12 place more than five boxes per school each week. Because right  
13 now they have in the warehouse 500 instead of 300. And with  
14 the donations that they are receiving, this figure will  
15 increase.

16 "You can tell that you gave them confidence, because  
17 they almost want to turn all of it over to you. Ha-ha, ha-ha!  
18 So now you're going to get real fat, because either you place  
19 them, or I will start to eat the cookies. Ha-ha, ha-ha!

20 "I am sending you a kiss, and I hope you can find a  
21 way to move this matter forward. This is an act of charity, so  
22 move as much as possible, yes? Take care. I am I'm sending  
23 you a kiss. "

24 Q. First, let me ask you, what is her interest in this?

25 A. Well, there was a relationship at that point between her

1 and Marco.

2 Q. Did she have a financial interest?

3 A. Yes.

4 Q. Okay. First of all, in the discussions with the  
5 individuals that you met about money laundering in Mexico, was  
6 a fee to Mr. Delgado ever discussed?

7 A. Yes.

8 Q. What was that fee?

9 A. 10 percent.

10 Q. And what -- 10 percent of what?

11 A. Of the total amount of money that we move.

12 Q. Okay. And was there ever a figure discussed about what the  
13 total amount of money would be that would be moved?

14 A. Yes.

15 Q. How much?

16 A. The end, when we actually starting doing it, it was  
17 \$600 million.

18 Q. \$600 million?

19 A. Yes.

20 Q. If you look at this e-mail, Lilian de la Concha references  
21 500 in a warehouse instead of 300.

22 Is she talking about boxes of Girl Scout cookies?

23 A. No.

24 Q. What is she talking about?

25 A. Millions of dollars.

1 Q. And does the 500 mean what?

2 A. Millions of dollars.

3 Q. And the 300?

4 A. Millions of dollars.

5 Q. And when she refers to the donations that they are  
6 receiving, what kind of donations is she talking about?

7 A. It is the profits from their business.

8 Q. Okay. But donations they are receiving. Is there more  
9 than one drug trafficker that is accumulating money for  
10 Mr. Delgado and you to launder?

11 A. It was explained to me that it's the same, let's just say  
12 company, the same cartel. But they have different locations  
13 and, like, subcompanies. So even though everything is to the  
14 same company they have, like, subdivisions. So they -- they  
15 put the money in different locations.

16 Q. Okay. And when she says to see if you can place the Girl  
17 Scouts, they tell me hopefully you can help them in the schools  
18 to place more than five boxes per school each week, what is she  
19 referring to?

20 A. Well, when they say schools, she's -- geographical  
21 locations, different geographic locations around the world.

22 And five boxes per school each week is \$5 million per  
23 company that you're going to place somewhere else in the world  
24 per week.

25 Q. With regard to this around the world inference you just

1 made, were any -- were Paco and Pedro both Mexican citizens?

2 A. No.

3 Q. Okay. Were either of them Mexican citizens?

4 A. Yes.

5 Q. Who?

6 A. Pedro.

7 Q. And what citizenship -- where was Paco from?

8 A. Spain.

9 Q. Spain?

10 A. Yes.

11 Q. When she says that you can -- you can tell they gave -- you  
12 gave them confidence because they almost want to turn all of it  
13 over to you, do you know what she's referring to?

14 A. All the money.

15 Q. Okay. And again, when she says she hopes he can find a way  
16 to move this matter forward, does she have a financial  
17 interest?

18 A. Yes.

19 Q. Do you know what her percentage was?

20 A. Yes.

21 Q. What was it?

22 A. Out of the 10 percent, it was going to be 4 percent for me,  
23 4 percent for Marco, 2 percent for her.

24 Q. Okay. So of \$600 million, 10 percent, would be?

25 A. \$6 million and --

1 Q. \$60 million? You're the college student, not me.

2 And then of the \$60 million you would get 4 percent;  
3 is that correct?

4 A. Yes.

5 Q. And what would be Mr. Delgado get?

6 A. 4 percent.

7 Q. And what would Lilian de la Concha get?

8 A. 2 percent.

9 Q. Okay. Did there come a time when the cartel thought that  
10 that was too much?

11 A. Yes.

12 Q. What happened?

13 A. They decide to hold the deal because it was more expensive,  
14 that they -- the people that they were using at that time.

15 Q. Okay. What do you mean?

16 A. They obviously don't know -- it was explained to me that  
17 cartels, they don't --

18 Q. When you say "it was explained to me," who explained it?

19 A. Marco.

20 Q. Okay.

21 A. That they don't only have one people doing the money  
22 laundering, they use several because of the amount of money  
23 they -- they have.

24 And the rate that you call it -- it was the rate that  
25 Marco proposed -- it was higher than I guess our competition.



1 Q. Okay. And did that get negotiated?

2 A. Yes.

3 Q. With whom?

4 A. With the cartel.

5 Q. Were you present during that negotiation?

6 A. No.

7 Q. Did you learn from Mr. Delgado that that percentage had  
8 changed?

9 A. Yes.

10 Q. What did he tell you?

11 A. That they set up the fees -- and actually, it is mentioned  
12 in one of the e-mails that we can start at a lower rate. And  
13 once we prove that we can actually do it better than the  
14 competition we can take the rate up again.

15 Q. Okay. And it's one of the exhibits?

16 A. Yes.

17 Q. Okay. Well, if you can look at Government's Exhibit Number  
18 5.

19 At the bottom, the beginning of Government's Exhibit  
20 Number 5 is the same e-mail that is Government's Exhibit Number  
21 4, correct?

22 A. Yes.

23 Q. But it continues upward after Mr. Delgado has sent Lilian  
24 de la Concha's e-mail to -- after he sent it to you, you  
25 respond; is that correct?

1 A. Yes.

2 Q. What day do you respond?

3 A. Wednesday, the 16th -- August 16th, 2006.

4 Q. And what do you respond?

5 A. I said, "At what time I will see you on Friday and where?"

6 Q. And does Mr. Delgado respond to you?

7 A. "Is it okay? It's a deal. So tomorrow at 2 in  
8 *Providenciales*."

9 Q. Okay. What is *Providenciales*?

10 A. *Providenciales* is the main -- the big island in the Turks  
11 and Caicos. It's where the airport is at. It's where all the  
12 big hotels are, where the banks are, and where Big John has his  
13 office.

14 Q. It's like the capital or the major city in --

15 A. I don't know if it's the capital, but it's the big city  
16 where the airport is at, where the businesses are, where you  
17 can find the restaurants, the hotels, the --

18 Q. When you went to see Big John, did you fly into  
19 *Providenciales*?

20 A. Yes.

21 Q. Okay. And what is Mr. Delgado telling you about that?

22 A. That we're going to meet on Friday at *Providenciales*.

23 Q. Was there a plan to go to the Turks and Caicos in August of  
24 2006?

25 A. Yes.

1 Q. And did that trip occur?

2 A. No.

3 Q. Okay. Were there a lot of plans that fell through?

4 A. Yes.

5 Q. But were there plans that did bear fruit?

6 A. Obviously.

7 Q. The top e-mail in Government's Exhibit Number 5, is that  
8 from Mr. Delgado to you?

9 A. Yeah.

10 Q. Okay. Mr. Pimentel, I notice that every single one of  
11 Mr. Delgado's e-mails have two paragraphs -- first have the  
12 words Calgary - El Paso - Mexico City, and then have two  
13 paragraphs after it.

14 What does Calgary - El Paso - and Mexico City mean?

15 A. Calgary is a city in Canada. El Paso is obviously a city  
16 in Texas. And Mexico City is Mexico City.

17 Q. And this is his Delgado & Associates e-mail?

18 A. Yes.

19 Q. Did he have an office in Calgary?

20 A. No.

21 Q. Did he have an office in Mexico City?

22 A. No.

23 Q. He did have an office in El Paso?

24 A. Yes. Remcon Circle.

25 Q. And then after that is a disclaimer, correct?

1 A. Yes.

2 Q. And it looks like -- what is this disclaimer?

3 Did you ever discuss that with him, the disclaimer?

4 A. It's a paragraph that states that this message is personal,  
5 and if you misuse it or something like that you are going to  
6 be -- can be a penalty, and it's covered by some laws in the  
7 United States. It's pretty standard in the industry and law  
8 offices to use it.

9 Q. Okay. And so in the middle e-mail that's at 10:52:45 on  
10 August 17th, he tells you that you're going to meet in  
11 *Provid* --

12 A. *Providenciales*.

13 Q. Yeah. Thank you.

14 -- at 2:00 the next day, correct?

15 A. Correct.

16 Q. That doesn't happen?

17 A. No.

18 Q. And what do you respond?

19 A. It's not here. It's up --

20 Q. Oh, it's farther up? Okay. Go ahead and go up.

21 Is it in the next e-mail?

22 A. I --

23 Q. Before we leave Exhibit Number 5, did he say anything to  
24 you about somebody named Miriam?

25 A. Yes. He was very excited about this meeting, so he asked

1 me to confirm the reception of this e-mail to Miriam so he  
2 could do the financial move that he told me that he was going  
3 to do.

4 Q. Okay. Who is Miriam?

5 A. Miriam was, at that time, Marco Delgado's personal  
6 assistant.

7 Q. And was she involved in the money laundering?

8 A. Not to my knowledge.

9 Q. Okay. And he says, "If it's before noon I can process  
10 codes."

11 What codes its he referring to?

12 A. According to Marco, the codes were the financial codes that  
13 you need to alert the authority when you're going to move a big  
14 amount of money through the financial system.

15 Q. And did you ever receive those codes?

16 A. No.

17 Q. Look at Government's Exhibit Number 6.

18 MS. KANOF: Please publish.

19 BY MS. KANOF:

20 Q. And at the bottom of Government's e-mail Number 6, reading  
21 upward, what's the date?

22 A. It's Wednesday, September 13th, 2006.

23 Q. Some of these there are weeks in between, correct?

24 A. Correct.

25 Q. And do you remember what was -- was there a lot of waiting?

1 A. Yeah. The way the process, or the interview process that  
2 the cartel used with us --

3 Q. What do you mean, the interviewing process?

4 A. We had several meetings with several people. And it was,  
5 like, okay. You meet with the first guy, now this guy approved  
6 it.

7 They would set up a meeting with another guy, a  
8 different location, different time, with even a different type  
9 of people.

10 Sometimes they were pretty business, professional,  
11 rich-looking people, sometimes not so much, different  
12 locations.

13 And it was like an interviewing process. Like when  
14 you're going to get a job, you get a first interview, second  
15 interview, and final interview.

16 In this case there were a lot more than two. But  
17 yeah, that's...

18 Q. Who is Chuy?

19 A. Chuy was the link between the cartel and us.

20 Q. "Us," meaning Pedro, Paco --

21 A. Pedro, Paco, Marco, me.

22 Q. And Ms. de la Concha?

23 A. Yes.

24 Q. And when did you first meet Chuy?

25 A. It was at the Camino Real Hotel. There was a meeting that

1 we were very close.

2 Once we met Chuy, he had the direct link with the  
3 cartel. It started getting pretty serious, so we knew it was  
4 going to happen. That's when I met Chuy.

5 Q. Okay. Do you remember when you met Chuy?

6 A. It was 2007, I think.

7 Q. Okay. In the spring of 2007?

8 A. Yes.

9 Q. And you said it was at the Camino Real?

10 A. Yeah, in Mexico City, yes.

11 Q. Who else was present?

12 A. It was Pedro, Paco, my cousin, myself.

13 Q. How did you know he was from the cartel?

14 A. It was clarified to me that that's who he was.

15 Q. Did Mr. Delgado ever tell you that the money that you were  
16 laundering was from someone's inheritance?

17 A. No.

18 Q. Do they have wills in Mexico?

19 A. Yes, we do.

20 Q. And did he ever tell you that the money was from gambling?

21 A. No.

22 Q. Okay. And how, again, did you know that Chuy was the  
23 go-between with the cartel?

24 A. Oh, excuse me. Can you repeat the question?

25 Q. How did you know that Chuy was the go-between with the

1 cartel?

2 A. Oh. He told me, and the people that introduced me to Chuy  
3 told me that he was the guy.

4 Q. Okay. Did you meet Chuy again?

5 A. Yes.

6 Q. Where?

7 A. We met her [sic] again, and it was dinner right next to the  
8 Camino Real Hotel.

9 And then we meet him at the Mexico City airport.

10 Q. Okay. The meeting at the Mexico City airport, was that  
11 right before you were going to pick up a million dollars in  
12 Atlanta?

13 A. Yes.

14 Q. And what was the purpose of that meeting?

15 A. It was just that we were ready to start meeting, and it was  
16 pretty serious. We were all there. They took photocopies of  
17 our IDs. They said --

18 Q. Who took photocopies of the IDs?

19 A. Chuy.

20 Q. Okay. And how did that happen?

21 A. It was pretty straightforward. He just stand up and ask  
22 for our identifications, and we provided all our IDs and he  
23 made copies.

24 Q. What was his reaction to your identification?

25 A. He was surprised about the name on the -- on the --



1 Q. Was your identification Victor Pimentel?

2 A. Yes.

3 Q. Okay. And why was he surprised?

4 A. Because I was not introduced to them as Victor Pimentel.

5 Q. How were you introduced?

6 A. Francisco Ruiz.

7 Q. And who introduced you as Francisco Ruiz?

8 A. Marco Delgado.

9 Q. Where did you get the name Francisco Ruiz?

10 A. He gave it to me.

11 Q. When did he give it to you?

12 A. Prior to 2006.

13 Q. Did he ask you to pretend like you were Francisco Ruiz in  
14 the past?

15 A. Yes.

16 Q. And in this drug money laundering transaction you were  
17 using that name as well?

18 A. Yes.

19 Q. How did Chuy react?

20 A. He was surprised. And he asked me why I had an ID with  
21 another name.

22 Q. What did you tell him?

23 A. That it is the nickname that I have, because I used to do  
24 the -- because we sell ourselves -- Marco sold ourselves as  
25 this big-time money laundering company, which we were not.

1           And I used that to say, Well, this is my -- the  
2       nickname that I use when I travel, so I don't get caught -- if  
3       I ever get caught.

4       Q.   You tell them it was like your alias?

5       A.   Yeah.

6       Q.   Did he care?

7       A.   Not much.

8       Q.   Did you find out that others use aliases as well?

9       A.   Yes.

10      Q.   How did you find that out?

11      A.   Well, when everything fall down, we learned pretty much  
12      everything about everybody. So that's how.

13      Q.   Okay. Now with regard to the this exhibit, it begins on  
14      Wednesday, September 13th, I believe you said?

15      A.   Yes.

16      Q.   From Mr. Delgado. And what does he tell you?

17      A.   That there's a meeting tomorrow at noon.

18      Q.   Okay. I believe that's -- oh. And then you respond to  
19      him?

20      A.   Okay. They're making me really nervous.

21      Q.   And how does he respond?

22      A.   Can you please move up the --

23      Q.   I am.

24      A.   -- exhibit?

25           MR. ESPER: Your Honor, I can't hear.

1 THE COURT: Repeat that. What did you say?

2 THE WITNESS: That I was getting nervous.

3 BY MS. KANOF:

4 Q. Why were you getting nervous?

5 A. Because we have all these big plans and big meetings and  
6 big numbers were thrown at us, and you're going to do this,  
7 you're going to do that, you're going to move this money,  
8 you're going to be rich and powerful.

9 But it was already almost a year from --

10 MR. ESPER: Excuse me, Your Honor. I'm going to ask  
11 that the witness slow down. I'm having a hard time  
12 understanding what's he's saying.

13 THE COURT: Yeah. Slow down, please, when you're  
14 speaking.

15 THE WITNESS: Okay.

16 BY MS. KANOF:

17 Q. Pretend like you're teaching to your kids.

18 A. Okay.

19 We've been having all these meetings and we were  
20 getting all these big numbers thrown at us.

21 As you recall the exhibits, \$300 million,  
22 \$500 million, and promises of us being rich and powerful  
23 people.

24 But it has already been almost a year since we start  
25 doing these meetings and nothing had actually happened. So I

1 was starting -- getting nervous about meeting these people.

2 You put yourself at risk when you meet with these  
3 people. You know they're serious, you know you can get killed.  
4 And nothing -- you're not seeing any financial benefit, and we  
5 know that, so that's why I was getting nervous.

6 Q. Okay. And when you tell Mr. Delgado, They're making us  
7 suffer so we can learn, how -- what does he respond?

8 A. I think that's my answer.

9 Q. Is that him or is that you?

10 A. That's me.

11 Q. That's you?

12 A. Yes.

13 Q. Okay. And how does he respond?

14 A. I say, Well, hopefully that's what they're doing, as long  
15 as the deal does not fall apart.

16 Q. Okay. Move to Government's Exhibit 7A.

17 Do you recognize that e-mail?

18 A. Yes.

19 Q. And that e-mail, I believe, had an attachment to it.

20 A. No. It's just an e-mail, just the subject.

21 Q. Okay. What is the subject?

22 A. He's asking me to buy *La Jornada*, which is -- it's either a  
23 weekly or monthly magazine in Mexico.

24 Q. What day is he asking you to do that?

25 A. It is the -- September 19th, 2006.

1 Q. And he wants you to go buy the magazine; is that correct?

2 A. That's correct.

3 Q. Okay. And moving, then, to Government's Exhibit 7B.

4 Do you find out why he wants you to go buy that?

5 A. Yes.

6 Q. Why did he want you to go buy it?

7 A. They have drug-related articles on the magazine.

8 Q. And did you buy the -- did you buy the article that he  
9 wanted -- or did you read the article he wanted you to read?

10 A. Yeah.

11 Q. Okay. Did you actually buy the magazine or did you read it  
12 online?

13 A. I think I did both.

14 Q. You did both?

15 A. Yeah.

16 Q. Okay. And what was the article about?

17 A. It was a big drug lord in Mexico getting caught.

18 Q. Okay. Where was he caught?

19 A. It was in either Guadalajara or Colombia. I don't remember  
20 exactly.

21 Q. So he wanted you to read an article about a drug dealer  
22 that had been caught.

23 And after you read the article at -- on September 19th  
24 at 1:11 -- that's 1311 on the screen --

25 A. Yes.

1 Q. -- what is said about it?

2 A. I said, Well, no wonder why there's so much silence from  
3 the cartel.

4 Q. Okay. And why did you say that?

5 A. Because if this big guy has been captured then, obviously,  
6 the operations of the cartel, you would assume that they would  
7 slow down.

8 Q. Compro- -- they're afraid they're compromised?

9 A. Yes.

10 Q. And what did Marco respond?

11 A. Marco told me that the cartel was going to let him know if  
12 this guy could get bail to get out of jail, and they were going  
13 to let Marco know.

14 Q. So he's telling you that he's going to find out?

15 What is he telling you?

16 A. He's telling me that the cartel people is going to let him  
17 know if he -- if this guy is going to get out of jail with  
18 bail.

19 Q. Okay. And Government's Exhibit 8A.

20 What is that?

21 A. It's an e-mail with an attachment.

22 Q. And the attachment, do you recall what the attachment is?

23 A. Yes, a picture.

24 Q. Was it -- what was the attachment?

25 A. It's a picture with Marco, Lilian, and President -- well,

1 it was the candidate at that time. He was not the president  
2 yet -- Calderon, the three of them.

3 Q. Okay. And it's actually Government's Exhibit 80--something,  
4 right, the picture?

5 What does Mr. Delgado tell you?

6 A. That's the picture.

7 Q. Okay. That's the picture.

8 Let me go back. It's the same one? Okay.

9 First, when he sent you the attachment of the picture,  
10 what did he tell you?

11 A. He asked me -- in the subject, he just -- let me know if  
12 you are able to open the e-mail.

13 Q. No. But look at Government's Exhibit 8A that I have on the  
14 screen.

15 A. Uh-huh.

16 Q. I'm trying to make it bigger so that you can -- can you  
17 read that?

18 A. Yeah. The subject again is, Let me know if you open it.

19 And then on the e-mail, the actual e-mail, he's  
20 actually kind of joking. He said, Well, you were questioning  
21 the power. Tell Ready -- which is my cousin. That's the name  
22 that I've been calling him since we were kids.

23 Q. Your cousin that was going with you -- your nickname for  
24 him is Ready?

25 A. Yes.

1 Q. Okay. Go ahead.

2 A. That -- I told my cousin Ready that he needs to prepare.  
3 That the next week they're going to recommend him for a  
4 position in the Mexican Government, that they need his résumé.

5 Q. And attached to that is this photo.

6 And who's in the photo?

7 A. Marco Delgado, Lilian, and former President Felipe  
8 Calderon.

9 Q. Okay. But he wasn't -- he hadn't been elected at this  
10 time; is that correct?

11 A. Yes.

12 Q. And what does he -- he say -- what does he mean when he  
13 says you're questioning the power?

14 A. Well, at the beginning, I didn't totally believe Marco that  
15 he had so close a relationship with Lilian.

16 And this picture was the proof that, actually, they  
17 were pretty close.

18 Q. With regard to the next one.

19 MS. KANOF: If we could publish Government's Exhibit  
20 8B.

21 BY MS. KANOF:

22 Q. That starts with that e-mail that we were just discussing  
23 on September 26 at 4:38.

24 And what do you respond?

25 A. That the other business, for when -- that when the other



1 business, it was going to happen.

2 Q. Okay. What other business are you talking about?

3 A. The money laundering.

4 Q. When he's talking to you about questioning the power, he's  
5 saying something about your cousin's résumé.

6 What is that about?

7 A. Marco wanted to -- for my cousin to get the Palomas  
8 crossing border. He wanted my cousin to be the administrator  
9 of that crossing border.

10 Q. Okay. Palomas is located where?

11 A. I think it's outside of El Paso.

12 Q. And he wanted your cousin to do what?

13 A. To administrate [sic] that border crossing on the Mexican  
14 side.

15 Q. Be like a customs official?

16 A. Yeah. Like the chief custom official there.

17 Q. Okay. And do you get appointed to that position in Mexico?

18 A. Yes.

19 Q. How old is your cousin?

20 A. Around my age, 35.

21 Q. No. How old was he then?

22 A. 2006 -- 29, 30.

23 Q. Did -- was he involved in politics?

24 A. No.

25 Q. Did he have the education to be a customs -- chief customs

1 inspector?

2 A. No.

3 Q. Did Marco Delgado discuss with you why he wanted your  
4 cousin to control the plaza in Palomas?

5 A. Yes.

6 Q. What did he tell you?

7 A. Well, once you control that crossing bridge you can cross  
8 anything you want from the U.S. to Mexico.

9 At that time the U.S. didn't have any type of  
10 searching from the people going out to -- the U.S. to Mexico.  
11 They only -- actually, search was done in Mexico. Every time  
12 you cross they can look to your car or to your belongings.

13 So if you can control the -- if you're the authority  
14 that controlled that crossing bridge, you can cross pretty much  
15 anything you want.

16 Q. When the next -- in the response on September 26th at  
17 6:37 -- it says 1837 military time -- you said, "Does that mean  
18 this is not going to happen or what, my friend?"

19 A. Uh-huh.

20 Q. What are you asking?

21 A. Well, there was some -- according to Marco, there was some  
22 requests that people in Mexico were doing that we couldn't come  
23 through.

24 And I was asking if that was -- if that means that the  
25 deal was not going to happen.

1 Q. And what did he respond? I know there's a cuss word, but  
2 go ahead and read it.

3 A. That it better not, because we already have a -- put in a  
4 shitload of money. And that way we would be left on foot,  
5 meaning that we already invest everything that we've got in  
6 this business. It better happen.

7 Q. The e-mail doesn't exactly say money, but that's what it  
8 meant?

9 A. Yeah.

10 Q. Okay. And so what is his concern?

11 A. That we were not going to get the contract for doing the  
12 money laundering.

13 Q. And when he says you've already put in a lot of money, what  
14 does he mean?

15 A. Well, again, we were -- he was not doing very good  
16 financially. Anything that --

17 Q. Who was he living with at the time?

18 A. With his mother.

19 Q. With his mother. And where were you living?

20 A. I was living in Chihuahua. I just have a canteen there. I  
21 was driving on -- I was between Chihuahua and Mexico City.

22 Q. Okay. Were you going to school --

23 A. Yes.

24 Q. -- at that time?

25 A. Yes.

1 Q. So were you also coming to El Paso?

2 A. Yeah. I was -- I set up my schedule to only be in school  
3 Tuesdays and Thursdays so I can attend the canteens between the  
4 weekends only.

5 Q. And he was living with his mother.

6 Who were you living with?

7 A. With my cousin in this house in Chihuahua.

8 Q. And when you were in El Paso, did you stay with Delgado?

9 A. Yes.

10 Q. Okay. Government's Exhibit Number 9.

11 Beginning at the bottom --

12 MS. KANOF: If we can publish it, please.

13 BY MS. KANOF:

14 Q. And are -- is this e-mail talking about that newspaper  
15 article and the individual that was caught?

16 A. No. This is a different article.

17 Q. Oh, this is a different article?

18 A. Yeah. This is a different one.

19 Q. And did you send him this article?

20 A. Yes.

21 Q. Okay. And what was the nature of the article that you sent  
22 to him?

23 A. The police in Colombia had captured another Mexican drug  
24 lord. It was creating a lot of trouble, and it was a big  
25 problem between cartels because of that capture.

1 Q. This e-mail -- that e-mail is dated October 13th of 2006,  
2 correct?

3 A. Yes.

4 Q. And we began, in Government's Exhibit Number 1, June 17th  
5 of 2006.

6 So was this taking longer than Mr. Delgado had  
7 anticipated?

8 A. A lot longer, yes.

9 Q. And when you send him that article, how does he respond?

10 A. He replies to me that the plaza, which is a geographical  
11 location, was hot or under surveillance.

12 Q. What plaza is he referring to?

13 A. Colombia.

14 Q. Why is he referring to Colombia?

15 A. When we first start talking about moving money for the  
16 cartels, Colombia was one of the main spots that they were  
17 wanting us to put money on.

18 Q. Okay. Government's Exhibit Number 10.

19 MS. KANOF: Please publish.

20 BY MS. KANOF:

21 Q. And the next e-mail is in November of 2006. So still, you  
22 have not started to move money; is that correct?

23 A. That's correct.

24 Q. And at 1911, which would be 7:11 at night on November 3rd,  
25 do you e-mail Mr. Delgado?

1 A. Yes.

2 Q. What are you asking him?

3 A. I'm asking him, When are we going to start?

4 Q. How does he respond?

5 A. That everything in Turks and Caicos is ready. Big John is  
6 in Turks and Caicos. That we haven't got the contract yet.

7 Until we -- until we confirm with the petitions that  
8 these people in Mexico ask us for, and that we need to get a  
9 new vehicle -- one of the things that we needed to account for  
10 with the Mexican people was giving a brand-new truck.

11 I used to have a truck that it was pretty new at that  
12 time. It was like six months old, and it was pretty nice. But  
13 apparently that was not up to these people's standards.

14 Q. So you had offered them your truck; is that correct?

15 A. Yes. Yes.

16 Q. But it wasn't good enough?

17 A. It wasn't good enough.

18 Q. So does this e-mail stream refer also to try to get ahold  
19 of a new truck?

20 A. Yes.

21 Q. Okay. And Mr. Delgado, in his response at the top of  
22 Exhibit 10, on November the 3rd at 7:39 p.m., responds to you  
23 how?

24 A. That Big John is ready to move forward with the business.

25 Q. It says he still won't sign.

1           What does that mean, won't sign?

2       A.   The people is not ready to give us the green light to start  
3       doing the money laundering.

4       Q.   And does sign, in the translation, actually mean a physical  
5       signature that you would use a pen?

6       A.   No.

7       Q.   What does it mean?

8       A.   It's just approval for starting the business.

9       Q.   Okay. Is the word sign referred to throughout the e-mails?

10      A.   Yeah.

11      Q.   And when you were discussing the money laundering, does  
12      that mean an actual contract?

13      A.   No.

14      Q.   If you would refer to Government's Exhibit Number 11.

15               MS. KANOF: Please publish.

16      BY MS. KANOF:

17      Q.   Government's Exhibit Number 11 starts with a letter sent to  
18      you in an e-mail that Mr. Delgado received from Lilian de la  
19      Concha?

20      A.   Yes.

21      Q.   Okay. And what's that about?

22      A.   This was the letter that Lilian and Marco draft to send it  
23      to the -- at that time -- chief of staff of the presidency  
24      to -- for two reasons.

25               One, Marco --

1 Q. Is this Calderon now or was still Vicente Fox?

2 A. No. At that point, December 12th, already was Calderon the  
3 president.

4 Q. Okay. And this was like his chief of staff?

5 A. This is the chief of staff or the vice president. It's a  
6 very important position.

7 They wanted, basically, two things.

8 The first one is that Marco was designated as the  
9 representative of Mexico in -- for the office that my country  
10 has in Washington, D.C.

11 Q. She's requesting this?

12 A. She's requesting that.

13 Q. Okay. Go ahead.

14 A. To the chief of staff.

15 And the second one was that my cousin was appointed to  
16 be the administrator of the Palomas crossing bridge.

17 Q. Look at the second paragraph of the letter.

18 The attorney, Marco Delgado, president of the law  
19 office.

20 By this time the letterhead says Delgado & Associates,  
21 correct?

22 A. Correct.

23 Q. And was he the president or the head of the law office?

24 A. Oh, he was the president, the head and everything, because  
25 there was only him.



1 Q. And highly recognized and esteemed among members of the  
2 Bush Administration; is that true?

3 A. No.

4 Q. Did Mr. Delgado say that he had relationships with  
5 high-level politicians in the United States?

6 A. Yes.

7 Q. Did -- and who -- well, first tell us when he said it.

8 A. Since I met Marco he's -- he told me, and every time that  
9 we met somebody new in Mexico, he would make reference to his  
10 connections here in the States. That he had friends in the  
11 Bush administration, that he was very close friends with  
12 ex-President Bush's wife.

13 That actually, the -- President Bush's cousin, when he  
14 used to travel to Mexico, he used to stay at his house, in  
15 *Valle de Bravo* in Mexico, so they were pretty close.

16 Q. Was any of that true?

17 A. No.

18 Q. How do you know?

19 A. Because -- I mean it's a lie.

20 Q. Okay. But you lived with him?

21 A. Yeah. I never met -- or we went on several trips and  
22 nothing ever --

23 Q. Did he ever make a representation that he was close to  
24 high-level officials in Mexico?

25 A. No.

1 Q. Did he?

2 A. Excuse me?

3 Q. Mr. Delgado, did he ever make a representation that he was  
4 close to high-level officials in Mexico?

5 A. Oh, yeah.

6 Q. What?

7 A. When I went to Carnegie Mellon with him on -- he was  
8 recognized at Carnegie Mellon University. He was actually a  
9 member of the board. And I was --

10 Q. Did he go to Carnegie Mellon?

11 A. Yes.

12 Q. Is that -- where is that, in Pennsylvania?

13 A. It's in Pittsburgh, Pennsylvania, yes.

14 Q. And was that law school or...

15 A. No. I think it was the management. It was the Hinds  
16 School of Business. I think it's a management type of school  
17 that's --

18 Q. Okay. He was getting recognized because he donated money  
19 to them?

20 A. Yeah. He -- they used to have a scholarship under his  
21 name. He donated \$250,000 to get a scholarship in his name.

22 Q. This was when he still had money, before he was divorced?

23 A. Yes.

24 Q. And what representation did he make to Carnegie Mellon?

25 A. That he knew pretty much everybody in Mexico, that he was

1 very close to you name it, the president, the governors in  
2 Chihuahua, officials in different public schools in Mexico,  
3 staff of ex-presidents, things like that.

4 Q. Okay. If you look at the transmission e-mail that he  
5 included from de la Concha that starts with, "Hello, Love," on  
6 December 12th, 2006, at 12:05 p.m.

7 A. Uh-huh.

8 Q. She -- what did she tell them about how she marked the  
9 e-mail?

10 A. He's [sic] actually asking Marco to just review the letter  
11 that we previously saw on the other exhibit to see if that's --  
12 if it's correct or we need to add something or delete  
13 something. Just pretty much like a reading proof.

14 Q. And then he sent it to you?

15 A. Yes.

16 Q. Why did he send it to you?

17 A. I -- I can only guess. He asked me -- again in the e-mail,  
18 he asked me to correct the letter to see if my cousin's  
19 information is correct.

20 Q. Okay. And so she's asking -- first, she's asking for your  
21 cousins's position, and then she's asking for a position for  
22 Mr. Delgado?

23 A. Yes.

24 Q. And you respond, professor?

25 A. Uh-huh.

1 Q. Why are you calling --

2 A. No, actually, that's Marco.

3 Q. Okay. That's him?

4 A. Yeah.

5 Q. I'm sorry. That's correct. And it's to you, correct?

6 A. Yes.

7 Q. And what is he telling you?

8 A. He's actually asking me what we need to add, what we need  
9 to remove, or what are my input in the letter.

10 Q. Then does he change subjects, where it says everyone is  
11 ready?

12 A. Everyone is ready, yes.

13 Q. Everyone is ready, waiting on you guys.

14 What is that about?

15 A. Everyone else is the people in Mexico that we're going to  
16 move the money for the cartel.

17 Q. What did you think about the letter?

18 A. It was good.

19 Q. Okay. And at the top of Government's Exhibit Number 11  
20 from Mr. Delgado to you, what is that about?

21 A. Marco is telling me that he's going to come back on Monday,  
22 that he needs -- just make a confirmation with an appointment  
23 that he was going to have with the energy secretary, and he's  
24 asking me what I heard from the people from CFE.

25 Q. So that's two different topics?

1 A. Yes.

2 Q. Okay. Next -- and again, was he meeting with Vargas at  
3 CFE?

4 A. Well, we never meet with Vargas at CFE. Mr. Vargas has his  
5 office at the union office. They're close, but it's not the  
6 same building.

7 Q. Okay. Government's Exhibit Number 12.

8 I'm going to try to make it larger. The problem is  
9 when you make it larger you can't scroll up and down.

10 On January -- now we're in 2007, right?

11 A. Yes.

12 Q. And nothing has happened yet?

13 A. Nothing yet.

14 Q. Has any money been provided to be moved?

15 A. No.

16 Q. And Mr. Delgado, where is he living?

17 A. With his mother.

18 Q. And are you -- are you having lavish trips like you used to  
19 have?

20 A. Not anymore.

21 Q. What happened to the house in Ruidoso, do you know?

22 A. I think it was sold.

23 Q. And he -- at 8:13 a.m. Mr. Delgado sends you an e-mail.  
24 What's it about?

25 A. Again, it's Lilian telling Marco that he talked to Paco,

1 that they're going to have a meeting, that they're going to let  
2 her know that Paco, which is the contact between the other  
3 people, thinks that everything is pretty serious, that we're  
4 going to do the business.

5 He's asking for Marco to --

6 Q. Where she says to Marco, "because he's already spoken with  
7 the man from Puebla" -- what is Puebla?

8 A. Puebla is a state outside of Mexico City two hours away.

9 Q. And who was from Puebla?

10 A. Some of the people from the cartel, that they were dealing  
11 with money.

12 Q. And -- but basically she's saying that things are getting  
13 ready to go?

14 A. Yes.

15 Q. And when she says, And this man was the one who mentioned  
16 about the meeting on Sunday.

17 A. Yes.

18 Q. Is that correct? That would be the man from Puebla?

19 A. Yes.

20 Q. She said, Yesterday Paco was going to call him to tell him  
21 about your phone call, like today we are going to pray a lot at  
22 mass.

23 A. Yes.

24 Q. And then after that does she refer to the letter?

25 A. Yes.

1 Q. What does she say about that?

2 A. That they have -- nobody has been designated yesterday to  
3 those positions. That -- that they have the letter on their  
4 desk and they're going to let us know later. That we need to  
5 do a lot more praying.

6 Q. Government's Exhibit Number 13, an e-mail.

7 What's the date of the e-mail?

8 A. It is January 30, 2007.

9 Q. I'm trying to get it enlarged. It doesn't want to -- okay.

10 And this is a single e-mail from whom?

11 A. From Lilian to Marco.

12 Q. And he's forwarding it to you?

13 A. Yes.

14 Q. And what does it say?

15 A. That she talked to Paco and Pete, that we don't have to  
16 worry about it, that we're going to do the business, but that  
17 the people in the cartel is very complicated.

18 Pretty much that we're just waiting, but that we're  
19 going to do it.

20 Q. Well, does she say, Well, what can I say? If it doesn't  
21 work for us I will cut my veins.

22 A. Uh-huh.

23 Q. Does she have a lot of investment in this?

24 A. At that point we all had a lot of investment. They're  
25 political connections. I mean we all invest different things,

1 not only money.

2 You ask for favors, you travel, you go to meetings,  
3 you put yourself at risk. So, yeah, there was a lot of  
4 personal things invested.

5 Q. Did you know anything about the financial situation of  
6 Lilian de la Concha?

7 A. Yeah.

8 Q. What did you know?

9 A. She's well off. I mean she's not superrich, but she does  
10 pretty good.

11 Q. Had she made investments as well?

12 A. Yes. But more political than financial.

13 Q. She was calling in favors?

14 A. Yes.

15 Q. Government's Exhibit Number 14.

16 Can you explain that to the jury?

17 A. Which part?

18 Q. When I enlarge it, it won't scroll, so that's why I have  
19 to -- let me go down to the bottom.

20 Okay. Starting at the bottom, does -- I guess it's  
21 just one e-mail, Government's Exhibit 14.

22 Is that dated February 7th of 2007 at 10:06?

23 A. Yes.

24 Q. Is it, again, forwarding an e-mail from Ms. de la Concha to  
25 you?



1 A. Yes.

2 Q. And what is it about?

3 A. That they talk to Pete in relationship with the business  
4 that we're going to do. That they as --

5 Q. Well, it says "in relation to the ironworks."

6 A. Uh-huh.

7 Q. What -- what are ironworks?

8 A. It's the money.

9 Q. Okay. Did any of you ever sit down and discuss codes?

10 A. No.

11 Q. How do you know -- before, how did you know Girl Scout  
12 cookies was money?

13 A. Because it was explained to me by Marco. And I mean we're  
14 not idiots, and we've never been dealing with cookies, and  
15 we've never been dealing with ironworks. And we only have one  
16 business going on with these people, so we all know what we're  
17 talking about.

18 Q. He says first to be patient, since he had made several  
19 business deals with these contractors.

20 What contractors is she talking about?

21 A. The cartels. The cartel and different locations of the  
22 cartel.

23 Q. So not talking about people that build buildings?

24 A. No.

25 Q. And it had taken them around three months to complete.

1           So basically, she's saying it's going to happen, but  
2     it takes them a long time?

3     A.   It takes time, yes.

4     Q.   That when they say no, it's no.   But when they say yes,  
5     even though it takes time, they do it?

6     A.   Yes.

7     Q.   Okay.   So is she reassuring Mr. Delgado this is going to  
8     happen?

9     A.   Yes.

10    Q.   Then she says, What happens is that he has to study various  
11    key points, because the things for that industry are difficult;  
12    is that correct?

13    A.   Yes.

14    Q.   They owe him a large sum of money and the director told  
15    him.

16           Who is the director?

17    A.   The head of the cartel.

18    Q.   That as soon as they brought the ironworks they would pay  
19    him; is that correct?

20    A.   Yes.

21    Q.   And you're saying ironworks is money?

22    A.   Yes.

23    Q.   That he asked for patience.   But that, yes, they were going  
24    to pay him and the importation would occur.

25    A.   Yes.

1 Q. So let's not despair. Patience is the key. We'll come out  
2 triumphantly, correct?

3 A. Yes.

4 Q. It looks like you're getting closer, correct?

5 A. Yes.

6 Q. Government's Exhibit Number 14. And this is a specific  
7 e-mail that is still talking about hyper-urgent, correct?

8 A. Yes.

9 Q. And although the title of the e-mail -- this is February --  
10 this is Valentine's Day, February 14th, correct, 2007?

11 A. Yes.

12 Q. And what is -- and again, he's showing you an e-mail that  
13 Ms. de la Concha wrote; is that correct?

14 A. Yes.

15 Q. And what is that about? If you look at number two, I  
16 think...

17 A. That Paco called her, that Peter called her, that they need  
18 to know if we can do a movement, like a really quick move of  
19 money now, like they were pretty -- in a hurry.

20 But that we all knew what now means, like the previous  
21 e-mail mentioned, these things take time. So they wanted to  
22 know if we could do something quickly.

23 Q. Right away?

24 A. Yes.

25 Q. In February 2007?

1 A. Yes.

2 Q. You don't actually move money until September of 2007,  
3 correct?

4 A. Correct.

5 Q. And Government's Exhibit Number 15, from Mr. Delgado to  
6 you.

7 A. Yes.

8 Q. Is that also forwarding something that Lilian sent him?

9 A. Yes.

10 Q. And what does it say?

11 A. That it's from Lilian to Marco. She's saying that she's  
12 forwarding an e-mail that Marco sent to her in relationship  
13 with Peter -- Pete's previous e-mail that -- the petition to do  
14 a quick movement.

15 Q. And now they're closing a case; is that correct?

16 A. Yeah.

17 Q. They're not doing cookies or ironworks or construction, and  
18 they're closing a case?

19 A. Correct.

20 Q. Okay. Government's Exhibit Number 16.

21 A. Yes.

22 MS. KANOF: If we can publish it to the jury,  
23 Your Honor?

24 BY MS. KANOF:

25 Q. From Mr. Delgado to you. And this one starts down at the

1 bottom.

2 Could you give the date, please?

3 A. It's February 15th, 2007.

4 Q. At 6:12?

5 A. Yes.

6 Q. And again from Lilian to Marco to you?

7 A. No, that's from me to Marco.

8 Q. From you to Marco?

9 A. Yes.

10 Q. And what's -- so "My dear attorney" is not Lilian, it's  
11 you?

12 A. It's me, yes.

13 Q. Okay. And what are you telling him?

14 A. Well, we were waiting for this deal to happen and we were  
15 waiting at that point for several months. And we were going to  
16 do some things in Mexico, obviously, so I needed to have some  
17 people waiting, just hire them to just help us with the move.

18 And I was paying them out of my pocket, and it was  
19 getting pretty expensive. And again, we didn't have any money  
20 flowing in. The only thing we had was money flowing out of our  
21 pocket.

22 So I was, like, asking him, What are we going to do?  
23 When are we going to start? Because I couldn't keep paying  
24 these people without getting money out of this deal.

25 Q. Are these people construction workers?

1 A. No.

2 Q. Did -- how did Marco represent you to the people he was  
3 doing business with?

4 A. Well, it was not representing me. He said -- he told these  
5 people that he had a whole team of money launderers all around  
6 Mexico, but it was pretty much only me.

7 Q. And did he tell you to have your cousin find some other --  
8 you and your cousin find some other people to help?

9 A. Yes.

10 Q. And why did you need anyone to help?

11 A. Because we were talking big amounts of money. So...

12 Q. What does Mr. Delgado mean when he says, "It is necessary  
13 to be more harsh"?

14 A. Well, that I need to rough these people, that -- at this  
15 point they already know what we're going to do, but we need to  
16 rough them in case they don't want to cooperate.

17 Q. Rough them?

18 A. Yeah. Get physical with them.

19 Q. Okay. In other words, you're supposed to be stern with  
20 them to wait?

21 A. Yes.

22 Q. To get paid?

23 A. Yes.

24 Q. Government's Exhibit Number 17.

25 And this exhibit begins on -- it's an e-mail from

1 Mr. Delgado; is that correct?

2 A. Yes.

3 Q. And what's the date?

4 A. It is February 17th, 2007.

5 Q. Okay. And it's at 6:45 a.m.; is that correct?

6 A. That's correct.

7 Q. Is this again from Lilian?

8 A. Yes.

9 Q. Forwarded to you?

10 A. Yes.

11 Q. "Hello, Marco. I'm resending you a mail from Paco that  
12 supports the telephone conversation that you and I just had."

13 Correct?

14 A. Yes.

15 Q. "At the same time I'm sending a copy of the mail to Paco so  
16 that the 'dream team' is clear on everybody's position."

17 Who's the dream team?

18 A. I'm the dream team.

19 Q. You're the dream team?

20 A. Yes.

21 Q. "Like you told me, the thing is to start, and once the  
22 contractor sees the quality of ironworks and materials that we  
23 are handling, you can be sure that they will stay with us."

24 And again, that's laundering the money?

25 A. Yes.

1 Q. "You agree to provide the service to each of the three  
2 groups."

3 Before, we had an e-mail and you said that -- the  
4 Girl Scout cookie e-mail -- said they were getting  
5 contributions, correct?

6 A. Yes. Donations, yes.

7 Q. Here, she relates to three groups: Ironworkers,  
8 carpenters, and construction workers.

9 Were there ironworkers, carpenters, and construction  
10 workers?

11 A. No.

12 Q. Was there a building being built?

13 A. No.

14 Q. What does she mean?

15 A. Different departments of the same cartel.

16 Q. The only thing that is left to determine, the shipping and  
17 delivery locations?

18 A. Those are the --

19 Q. Okay. So if you have people that are building something,  
20 wouldn't you already know where the location would be?

21 A. Excuse me. Can you please repeat the question?

22 Q. I'm sorry. I'll withdraw the question.

23 "You do not have any problem with handling the  
24 materials within the Republic of Mexico and making color  
25 adjustments."



1 A. No.

2 Q. What does color adjustments -- are you changing the color  
3 of the ironworks?

4 A. No. When you make color adjustments, what you're doing is  
5 giving -- exchange pesos to dollars and dollars to pesos.

6 Q. So dollars are green?

7 A. Yes.

8 Q. And pesos are a different color?

9 A. Yes.

10 Q. "They commented to Paco that no later than within one month  
11 they would begin moving the ironworks for the construction.  
12 Well, like I told you, because we had the prices a little  
13 higher, they had to purchase the materials elsewhere."

14 Previously, you testified about the percentage of  
15 10 percent being lowered.

16 A. No, higher.

17 Q. Is this the e-mail you were referring to?

18 A. Yeah. 10 percent was higher than the competition, not  
19 lower.

20 Q. And so one of the reas- -- do you find out from Lilian,  
21 through Marco, that one of the reasons nothing has happened is  
22 because they went to your competition because you were too  
23 expensive?

24 A. Yes.

25 MR. ESPER: Excuse me, Your Honor. I object.

1 THE COURT: I'll sustain the objection.

2 BY MS. KANOF:

3 Q. What is she telling you about why you have been waiting?

4 A. That we are very expensive, and they decide to go somewhere  
5 else to do the services.

6 Q. And then she says, "Do you agree on the price adjustments  
7 to begin the process?"

8 What does that mean?

9 A. If we can offer a better price to move the money.

10 Q. "If it's necessary in the future it can be discussed with  
11 them to see the possibility, in the event that the contract is  
12 not convenient for you, to adjust the price again."

13 What does that mean?

14 A. That eventually we are doing what Marco's promising them  
15 that we're going to do. We can adjust the money, in case that  
16 we're not getting all the money that we should.

17 Q. "If everything goes well, we will continue as it started."

18 What does that mean?

19 A. That if we're doing good with the money, we're going to get  
20 up to \$600 hundred million.

21 Q. "Better to have a little of something than a whole lot of  
22 nothing."

23 A. You're better to start small and then going up with it.

24 Q. "Starting on Wednesday, are you available to meet with the  
25 contractor?"

1 Who's the contractor?

2 A. The cartel.

3 Q. And then, of course, she says personal things.

4 Government's Exhibit Number 18.

5 MS. KANOF: Please publish to the jury.

6 BY MS. KANOF:

7 Q. Is this e-mail dated February 18th of 2007?

8 A. Yes.

9 Q. And who is it from?

10 A. From Marco to me.

11 Q. What is the subject of this e-mail?

12 A. Start of operations.

13 Q. It doesn't say start of construction, does it?

14 A. No.

15 Q. Okay. And this is from Mr. Delgado to you?

16 A. Yes.

17 Q. Does it say, "Master, as a follow-up to the various  
18 conversations I inform you that we are in the position to begin  
19 and only waiting for the issue with the vehicle on the part of  
20 your people.

21 "In the spirit of transparency that this operation  
22 requires, I ask you to inform me where we were at. "

23 What is he talking to you about the vehicle for?

24 A. That if we are in position to deliver the brand-new truck  
25 that he requested me to get.

1 Q. Had you given him a vehicle yet?

2 A. Yes.

3 Q. Okay. Government's Exhibit Number 19.

4 MS. KANOF: If we can publish.

5 BY MS. KANOF:

6 Q. Is that from Mr. Delgado to you?

7 A. Yes.

8 Q. Is it, again, Lilian's forwarded e-mail that went first to  
9 Mr. Delgado?

10 A. Yes.

11 Q. Does it say, "Hi, Marco. Very late last night Paco called  
12 me to tell me that Pete had just called him to tell him that  
13 the contractors had called him and that they wanted to eat with  
14 Paco."

15 Is that what she's telling Marco?

16 A. Marco, yes.

17 Q. "If you want to, and Pete on Tuesday, with the owners of  
18 the construction company in order to meet each other and  
19 determine the things with the shipment."

20 Is this the e-mail that preceded the meeting in the  
21 airport in Mexico City with Chuy?

22 A. Yes.

23 Q. Okay. And in this e-mail she says, "The shipment, because  
24 they are going to be now apparently final 50 kilograms of  
25 ironworks, like I mentioned on Wednesday."

1           What does the 50 kilograms refer to?

2       A.   \$50 million.

3       Q.   "50 another day of this week -- it will be discussed  
4       tomorrow."

5           Again, another 50 million?

6       A.   Yes.

7       Q.   "And from then on 10 every week until the end of the year."

8           Is she talking about another \$10 million?

9       A.   Yes, every week.

10      Q.   And is this basically the amount of money that had been  
11      agreed upon to launder?

12      A.   Yes.

13      Q.   And is it drug money?

14      A.   Yes.

15      Q.   "And this will be determined supposedly on Tuesday. You  
16      know how it is to deal with these people," and then she talks  
17      about personal things.

18           Excuse me.

19           So are you getting closer, or do you think you're  
20      getting closer to starting this?

21      A.   Yeah. We think, but it still took several months.

22      Q.   You're getting close to a year that this has been going on;  
23      is that correct?

24      A.   That's correct.

25      Q.   And the next e-mail, Government's Exhibit Number 20, is

1 dated March 3rd, 2007.

2 What are you doing in your life on March 3rd, 2007?

3 Were you in school?

4 A. I was in school at UTEP.

5 Q. At UTEP?

6 A. Yeah.

7 Q. So what was Mr. Delgado -- where was he living?

8 A. With his mother.

9 Q. Did she tell him, "On March 3rd, I spoke with Paco. He  
10 told me that it's still a yes, but they don't say when. That  
11 Rafa called him to tell him that everything still stands. It's  
12 great about Lalo, et cetera."

13 Who is Rafa?

14 A. Rafa, again, is another people that we interview in  
15 Mexico -- actually, in Puebla. Again, more interviews to get  
16 this deal done.

17 Q. Is Rafa with the cartel?

18 A. No, I don't think so.

19 Q. Okay. Do you know his last name?

20 A. Renteria, I think.

21 Q. Renteria. And how did you understand he was involved in  
22 the money laundering?

23 A. Again, he was part of the interviewers, part of the links  
24 between these people in Mexico and us, with the cartel.

25 Q. One of the checkers?

1 A. Yeah.

2 Q. Government's Exhibit Number 21.

3 Government's Exhibit Number 21, an e-mail dated the  
4 next day, March 4th. Again, Lilian forwarded it to you.

5 A. Marco forwarded to me, not Lilian.

6 Q. I'm sorry?

7 A. Marco forwarded to me.

8 Q. Right. Marco forwarded it to you.

9 "I spoke with Paco. He told me that Rafa called."

10 Is this the same Rafa Renteria?

11 A. Yes.

12 Q. "And that everything is still the same with those people.  
13 But what is now certain for this week is the one of the client  
14 of 100 houses. One of other clients of 100 houses. I don't  
15 know -- I don't want to know more. I spend my commission  
16 without having the money."

17 Okay. So client of 100 houses, what's 100 houses?

18 A. \$100 million.

19 Q. And is the commission she -- that she's talking about?  
20 What is that?

21 A. The money that she's going to get out of the deal.

22 Q. And she's saying that, like any woman, she's spent it  
23 already, correct?

24 A. Yes. Well, I don't know about any women.

25 Q. Okay. Or you don't want to know?

1 A. No.

2 Q. Government's Exhibit Number 22.

3 MS. KANOF: If we could publish.

4 BY MS. KANOF:

5 Q. The next day -- now we're moving pretty quick, almost day  
6 to day in March, correct?

7 A. Yeah.

8 Q. Mr. Delgado sends you an e-mail that was sent to him by --  
9 is this one sent to him by Ms. de la Concha or is this from  
10 him?

11 A. I think it goes -- if you go down a little bit.

12 Q. If you go down -- yes, I see it.

13 Down to from you and the -- one of the 100 houses, or  
14 down further?

15 A. No, it goes further a little bit. It has one more page.

16 Q. Let's start at the bottom of Government's Exhibit 22.

17 A. Yes.

18 Q. And is that an e-mail from Marco Delgado on March 5th at  
19 4:14?

20 A. Yes.

21 Q. And is he forwarding an e-mail from Ms. de la Concha?

22 A. Yes.

23 Q. What does it say?

24 A. Again, the mention --

25 Q. That's the e-mail from the previous exhibit, correct?



1 A. True. Sorry.

2 Q. It's the starting e-mail that brings us to the next one,  
3 which is your response to Mr. Delgado, which is what?

4 A. I'm asking Marco what we need to do with those hundred  
5 million dollars, that -- what is the purpose of it.

6 Q. Okay. And how does he respond?

7 A. He said that he doesn't know what to do now. That he's  
8 going to be begging somebody to -- well, actually, this one, it  
9 doesn't answer what are we going to do with the hundred houses.

10 He's trying to get in contact with Mr. Vargas in  
11 Mexico for another different business of -- legitimate business  
12 with CFE.

13 But Mr. Vargas was very busy at the time. He wanted  
14 to get a meeting with him, and -- again, because he didn't  
15 want -- Mr. Vargas didn't have anything to do with the money  
16 laundering, money -- was going to beg for a meeting with him.

17 Q. He's still trying to do this electric company thing?

18 A. Yeah.

19 Q. But the first line, "I don't even know to what to do now,"  
20 does that resp- -- is that about not getting a meeting with  
21 Mr. Vargas that he wanted, or is that about the hundred houses  
22 that's money?

23 A. The hundred houses.

24 Q. Okay. And again, it's a mixed e-mail, correct?

25 A. Yeah.

1 Q. Government's Exhibit Number 23, starting at the bottom.

2 That is, again, Lilian de la Concha's e-mail from  
3 March 5th, correct?

4 A. It's the same e-mail that we already went through.

5 Q. I'm sorry?

6 A. This part we've already gone through.

7 Q. This part we've already gone through?

8 A. The 100 houses, yes.

9 Q. Sometimes you would be on different chains of e-mails at  
10 the same time; is that correct?

11 A. Well, we all had BlackBerrys at that time, so you could  
12 delete e-mails that come in and start answering a different  
13 e-mail that you already previously read. So that's why there  
14 was some overlapping between e-mails.

15 Q. So really, the only new part of this is from you to  
16 Mr. Delgado and at 2 -- at 1404 on March 5th, "I will call at  
17 exactly 12" -- or, actually, is that part of the preceding one?

18 A. Yes.

19 Q. And then he responds to you on that same day, "I left a  
20 message last night and neither my friend, female, or friend,  
21 male, have answered. I suppose about Paulino, but I don't  
22 know. What a pain."

23 Let me first ask you. Sometimes the times seem to go  
24 back and forth, but these were sent from different locations in  
25 the country and in Mexico, correct?

1 A. No, it's more than that. When we sent -- when you have a  
2 BlackBerry and you send an e-mail you could have received it --  
3 we can exchange several e-mails on the same conversation and  
4 then delete the last four and then answer to the first one.

5 So obviously, if you're answering me later, the hours  
6 are going to be way off.

7 Q. And sometimes e-mails don't -- aren't delivered right on  
8 time?

9 A. Yeah.

10 Q. And so is Mr. Delgado telling you that he's left a message  
11 for his female friend?

12 Who is that?

13 A. Lilian.

14 Q. Or male friend.

15 Who is that?

16 A. *Ingeniero* Nareo Vargas.

17 Q. And so is this just about CFE?

18 A. No. It's -- again, we could have several conversations at  
19 the same time. Mr. Vargas didn't want to meet with  
20 Mr. Delgado, and apparently Lilian didn't answer Marcos's phone  
21 call.

22 Q. Okay. Government's Exhibit Number 24, from -- now, that's  
23 the next day. It's the 6th of March of 2007.

24 And Mr. Delgado forwards another Lilian e-mail to you,  
25 correct?

1 A. Yes.

2 Q. That she had dinner with Paco and a group of Spanish buyer  
3 friends of his.

4 And is this consistent -- or who has the connection to  
5 Spain?

6 A. Paco.

7 Q. Okay. "And he told me that today he's going to eat with  
8 Rafa and Pete."

9 A. Yes.

10 Q. Those were individuals that are part of this conspiracy; is  
11 that correct?

12 A. Yes.

13 Q. "And when we were at dinner, Rafa called him and told him  
14 discreetly he will let you know the most certain thing is that  
15 you need to come on Wednesday so that the operation can begin."

16 Is the operation the money laundering operation?

17 A. Yes.

18 Q. And she asks, "Should we believe them, would you be able to  
19 come?"

20 A. Yes.

21 Q. Correct?

22 A. Correct.

23 Q. Government's Exhibit Number 25, the next day, March 7th.

24 So at this point in time what do you-all think about  
25 what's going to happen with the money laundering?

1 A. Well, the -- we're going to start. We're getting closer  
2 and closer, and we are ready to go.

3 Q. Okay. This began in June of 2006, and now it's March of  
4 2007, correct?

5 A. Correct.

6 Q. And it still hasn't happened?

7 A. Not yet.

8 Q. But Mr. Delgado is still working on it?

9 A. Yes.

10 Q. And you're going to school?

11 A. Yes.

12 Q. On March the 7th of 2007, does Mr. Delgado tell you that  
13 he's in Washington, D.C.?

14 A. Yes.

15 Q. Is that true?

16 A. No.

17 Q. Why is he telling you he's in Washington, D.C.?

18 A. Marco told me several times that he used to work with --  
19 again, presidents and the Pentagon and people in DC. And he  
20 told me that time that he was in DC. But after --

21 Q. How did you know that he was not?

22 A. Once you get to know Marco pretty well, you know that when  
23 he doesn't want to go somewhere or when he doesn't want to do  
24 something, he will create this fantastic story about being  
25 somewhere else and doing something a lot more thrilling or a

1 lot more interesting, so he cannot be bothered.

2 If you read the e-mails --

3 Q. Was he living a lavish lifestyle at that time?

4 A. No, we didn't have the money to do it anymore. So it was  
5 not like we could afford to go to Washington or Turks and  
6 Caicos and Cuba anymore. We...

7 Q. Okay. And was he living with his mother?

8 A. Yeah, he was living with his mother.

9 Q. Do you know if he had a good law practice at the time?

10 A. No.

11 Q. Okay.

12 A. I mean he did not have a good law practice at the time.

13 Q. And Government's Exhibit Number 26, which is somewhat  
14 lengthy.

15 But starting down at the bottom of this exhibit, the  
16 generating e-mail, the first e-mail is from whom?

17 A. Can you go a little bit up? I think -- I just want to make  
18 sure that it's from Paco to Marco.

19 Q. Okay. Go ahead and check.

20 This is an e-mail that has a lot of...

21 A. This is Exhibit 26, right?

22 Q. Yes. This particular e-mail came from -- came from you.  
23 You provided it to the Government, correct?

24 A. Yes.

25 Q. And when you provided it to us, did it have all of this

1 computer symbolic language in it?

2 A. Yeah.

3 Q. And so did we just highlight the part that's actually in  
4 language, for ease of your testimony and to present the e-mail  
5 to the jury?

6 A. Yes.

7 Q. And although it's hard to get in between all of that  
8 language, is this an e-mail from Paco, Francisco Manuel  
9 Fernandez Castillo Igarses?

10 A. Just give me a second.

11 Q. Okay.

12 A. I think I already destroyed --

13 THE COURT: You've got to speak into the microphone.

14 THE WITNESS: Sorry. Can I get a minute, because I  
15 think I'm creating a mess here with the exhibits.

16 MS. KANOF: Yeah. That --

17 THE WITNESS: Sorry about that, Judge. Okay.

18 BY MS. KANOF:

19 Q. Okay. Does the e-mail start on the 5th of June of 2007?

20 A. Yes.

21 Q. And is it to Rafa Renteria from Marco?

22 A. Yes.

23 Q. And is it copied to Ricardo Renteria?

24 A. Yes.

25 Q. Who's that?

1 A. Rafa's brother.

2 Q. Pedro Mendoza Meneses?

3 A. Pete.

4 Q. Okay. Goyo Chavez?

5 A. That's a friend of Pete.

6 Q. And it says -- the subject is "Letters from client"?

7 A. Yes.

8 Q. "Definitely this, on my part, totally leaves the  
9 150,000-peso payment to Mr. Camacho clear. Marco, I think you  
10 are now the one that should honor the deal. I will be waiting  
11 for your reply. Greetings, Paco."

12 What's the 150,000 pesos about?

13 A. At that time these people from the cartel, they get ahold  
14 of a bond, U.S. Treasury bond, that Marco offered to cash.

15 And the client, the one that Mr. Camacho -- the one  
16 that they're talking here -- wanted 150,000 pesos like a  
17 security fee for us while we cash the bond.

18 Q. Okay. And we'll talk about the bond later.

19 But then does he continue, "Hello, everyone. With  
20 this the conditions are met in order to proceed immediately"?

21 A. Yes.

22 Q. So he's saying that when you-all provide 150,000 pesos by  
23 cashing the bond, that you can go ahead with the money  
24 laundering deal?

25 A. Yes.



1 Q. And does he say, "Due to your office's history that we had  
2 by means of Lilian, Paco Fernandez, and Peter, we never doubted  
3 that we could 100 percent trust the people that you entrusted  
4 us to. And as such, their methods, actions, decisions,  
5 including his use of an alias or whatever" --

6 Are they talking about you?

7 A. Yeah.

8 Q. -- "applies, were rejected and have been respected 100  
9 percent."

10 Basically, they are saying, We're waiting for you,  
11 correct?

12 A. Yes.

13 Q. Well, why are they waiting for you?

14 A. Because Marco didn't come forward with his part of the  
15 money.

16 Q. Okay. This bond. Tell the jury what this bond was all  
17 about.

18 A. Well, the bond is a paper document that the U.S. Treasury.

19 THE COURT: You're going to have to talk into the  
20 microphone.

21 THE WITNESS: I'm sorry. Okay, sir.

22 A. The U.S. bond, it's a piece of paper that the U.S.  
23 Treasury, when they need the money, you can buy bonds from the  
24 U.S. Treasury, and then you can hold on to them and they  
25 increase value over time.

1           This particular bond, it was pretty old and --

2   BY MS. KANOF:

3   Q.   How old?   Do you remember?

4   A.   It was, I think, from the '40s.

5   Q.   The 1940s?

6   A.   From the 1940s.   So it was -- if it was a real document,  
7   his net worth at that specific time, it was in the hundreds of  
8   millions of dollars.

9   Q.   You said if it was a real document, right?

10   A.   Yeah.

11   Q.   Why do you think it might not have been?

12   A.   I don't think it was a real document.

13   Q.   Why?

14   A.   I had the document in my hand, and it didn't look like a  
15   real bond.

16   Q.   Okay.   And how did this bond come up?

17   A.   Again, when Marco offered his services as a money  
18   launderer, one of the services that he offered, it was to  
19   provide legitimate provenance, which is the paperwork that you  
20   need to have of a document of this type to actually cash it  
21   legally.

22           So what he offers was to create a legitimate track for  
23   this document until this actual owner, in order to be cashed  
24   legally and the U.S. Government didn't put any obstacle in the  
25   cashing of this bond.

1 Q. So who first received the bond?

2 A. I received the bond.

3 Q. Where did you receive it?

4 A. In Mexico City.

5 Q. From whom?

6 A. Mr. Camacho.

7 Q. And what did you do with the bond?

8 A. I gave it to my cousin, and my cousin flew to Juárez, and  
9 he crossed on foot to El Paso, and he deposited the bond in the  
10 Remcon Circle, the law office of Marco Delgado.

11 Q. Did the bond ever get cashed?

12 A. Nope.

13 Q. And -- but they're waiting for the bond to be cashed as a  
14 condition to proceed with the laundering, correct?

15 A. Yes.

16 Q. So how -- that e-mail -- then does Mr. Rafa Renteria  
17 respond on June 5th at 12:29?

18 A. Yes.

19 Q. To everyone that I mentioned before that's on the copy  
20 line?

21 A. Yes.

22 Q. Does he say agreed? Peter -- that's Pedro, correct?

23 A. Yes.

24 Q. Paco Fernandez?

25 A. Yes.

1 Q. Who at that time was evidently in Panama, correct?

2 A. He was visiting Panama, not living.

3 Q. Ricardo?

4 A. Yeah, Renteria.

5 Q. Goyo?

6 A. Yes.

7 Q. And myself. It will be Monday June 11th, in Mexico City?

8 A. Yes.

9 Q. "Please confirm Peter, Paco Fernandez, with Lilian for the  
10 best time," correct?

11 A. Yes.

12 Q. Okay. And Mr. Delgado sent all of that to you?

13 A. Yes.

14 Q. Government's Exhibit Number 26A.

15 THE COURT: Well, it's 5:00 almost, Ms. Kanof.

16 MS. KANOF: Okay.

17 THE COURT: I've gone a little bit longer than I  
18 prefer to without taking a break, but I figured that if we took  
19 a break it would just take that much longer.

20 Ladies and gentlemen, we're going to get started at  
21 9:00 in the morning. Okay? Members of the jury, please be on  
22 time. We do want to get started promptly at 9:00.

23 If you get here a little bit early, there's going to  
24 be coffee there, and breakfast snacks for you. Okay? So if  
25 you want to come have something, you're welcome to come as

1     early as you want.

2             We'll be in recess until 9:00 tomorrow morning.

3             (Proceedings continued in Volume 2.)

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6	E-mail, 9-13-06	7
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